

**Security Council**

Distr.: General
23 May 2007

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**Letter dated 23 May 2007 from the President of the Security Council
to the Secretary-General**

I have the honour to respond to your letter of 7 May 2007 (S/2007/300), in which you referred to Security Council resolution 1284 (1999), by which the Council established the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), and to the related resolutions 687 (1991) and 706 (1991).

I wish to inform you that the Security Council has decided to approve the proposal contained in your letter that €1,856,754 and \$694,771 be transferred from the escrow account established under the above-mentioned resolutions to settle the arrears of the Government of Iraq to the United Nations Industrial Development Organization and to meet its current obligation with respect to the regular, peacekeeping and capital master plan budgets and the budgets of the International Tribunals for Rwanda and the Former Yugoslavia, provided that UNMOVIC has sufficient funds in its account to continue its activities at the present level.

(Signed) Zalmay **Khalilzad**
President of the Security Council



Security Council

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23 May 2007

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Letter dated 21 May 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Brunei Darussalam submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as the response of Brunei Darussalam to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ricardo Alberto **Arias**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

**Note verbale dated 16 May 2007 from the Permanent Mission
of Brunei Darussalam to the United Nations addressed to the
Chairman of the Counter-Terrorism Committee**

The Permanent Mission of Brunei Darussalam to the United Nations presents its compliments to the Chairman of the Committee and has the honour to enclose herewith the fourth report of Brunei Darussalam to the Counter-Terrorism Committee on the implementation of Security Council resolution 1373 (2001) and the first report on the implementation of Security Council resolution 1624 (2005) (see enclosure).

Enclosure*

Fourth report of Brunei Darussalam to the Counter-Terrorism Committee on the implementation of Security Council resolution 1373 (2001) and first report on the implementation of Security Council resolution 1624 (2005)

1. Implementation measures

1.1 The Committee notes that Brunei Darussalam does not have specific laws dealing with planning, facilitating or committing terrorist acts and that it will introduce a number of specific terrorist offences under its laws. The Committee would appreciate receiving a report on that issue.

Reply

Under the Internal Security Act 2002, s.3 (1) (a) and (b), the Minister of Home Affairs has the power to order detention for a period not exceeding two years or imposing upon that person restriction orders if His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam is satisfied that it is necessary to do so to prevent that person from acting in any manner prejudicial to the security of Brunei. Therefore, under s.55 (1) (a) and (b), any police officer may without warrant arrest and detain pending enquiries any person in respect he has reason to believe that there are grounds which would justify his detention and that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Brunei or any part thereof.

Currently, Brunei Darussalam is finalizing the Legislation relating to Maritime offences. This legislation will deal with the planning, facilitating or committing terrorist acts in relation to Maritime Offences to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

In relation to the general laws dealing with terrorist acts offences such as planning, facilitating and the commission of such offences, Brunei Darussalam is of the view that the existing enabling laws that give effect to the individual Counter-Terrorism Conventions which Brunei Darussalam has acceded, as well as the general penal laws are sufficient to deal with the specific terrorist acts mentioned. The general anti-terrorist legislation that is being considered by Brunei Darussalam and which is intended to cover any possible gaps in the existing laws is still very much at an early stage of drafting.

1.2 The Committee would be grateful to receive a copy of the Anti-Terrorism Order and the Money Laundering Order provided such copies exist in one of the six official languages of the United Nations.

* Annexes are on file with the Secretariat and are available for consultation.

Reply

See Annex 1: Anti-Terrorism (Financial and Other Measures) Order 2002;

See Annex 2: Money Laundering Order 2000.

1.3 Paragraph 1 (c) of resolution 1373 (2001) stipulated that Member States freeze without delay funds and other assets of persons or entities owned, controlled or acting on behalf of such persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts. Please clarify whether section 12 of the Anti-Terrorism Order also applies to the freezing of assets of persons and organizations not appearing on the list issued under the authority of the Security Council.

Reply

Under Section 11 of the Anti-Terrorism (Financial and Other Measures) Order 2002, the Minister of Finance may by order declare any person named and described therein to be a terrorist for the purposes of this Order.

The relevant provision under Section 14 (c) stipulates that the Minister of Finance may, with the approval of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, make such regulations as he considers necessary or expedient for carrying into effect the provisions of the Anti-Terrorism (Financial and Other Measures) Order 2002, including the forfeiture and seizure of funds and assets of any persons declared a terrorist under Section 11 of the said order.

Section 12 of the said Order does not apply to the freezing of assets of persons and organizations not appearing on the list issued by the Security Council. However, persons and organizations not appearing on the lists issued by the Security Council can still be declared as terrorists or terrorist organizations in accordance with the procedures set out under Section 11. Consequently, it is an offence under Section 4 for any person to deal with asset belonging to such terrorist.

1.4 What are the other offences described in the Criminal Conduct Order 2000?

Reply

The other offences described in the Criminal Conduct (Recovery of Proceeds) Order includes the offence of assisting another to retain benefit of criminal conduct (Section 21), acquisition, possession or use of property representing proceeds of criminal conduct (Section 22), concealing, transferring, etc., proceeds of criminal conduct (Section 23), failure to disclose knowledge or suspicion of money-laundering (Section 24) and tipping-off (Section 25).

1.5 The Committee notes that the Schedule to the Money Laundering Order is going to be reviewed to widen the definition of financial business and would appreciate receiving a progress report.

Reply

The Ministry of Finance is currently reviewing the option of widening the definition of financial business to include certain "designated non-financial business and professionals" such as lawyers and accountants.

1.6 Brunei Darussalam states in its third report that the Financial Institution Division (FID) and Brunei International Financial Centre (BIFC) are the supervisory bodies dealing with reporting obligations. Please clarify which one performs the functions of a financial intelligence unit (FIU). The Committee would also appreciate receiving an outline of the features of the FIU.

Reply

At present, the Financial Institution Division (FID) and Brunei International Financial (BIFC) are both supervisory bodies within the Ministry of Finance which deal with the reporting obligations. Both divisions receive Suspicious Transactions Reports (STR) whereby the latter deals with reports from the international financial sector.

The Ministry of Finance, Brunei Darussalam is currently being assisted by Australian Transaction Reports and Analysis Centre (AUSTRAC) in the forming of a suitable FIU model for Brunei Darussalam. The proposed FIU model at this stage will be of an "administrative type". It will be within the Ministry of Finance and serve as a national centre for the purposes of receiving, analysing, storing and disseminating suspicious transactions reports and other information regarding potential money-laundering or terrorist financing to the appropriate enforcement agency for any possible action.

1.7 The Committee would like to know what problems the Alternative Remittance Services pose to Brunei Darussalam.

Reply

At present, businesses carrying out Alternative Remittance Services are licensed under the Money Changing and Remittance Businesses Act, Chapter 174 and their activities are regulated and monitored by the Ministry of Finance. The Royal Brunei Police Force (RBPF) is providing assistance to the Ministry of Finance in enforcing the Order. The RBPF is specifically empowered by investigative provisions in the Criminal Procedure Code Cap 7 upon an official complaint by the Ministry of Finance and a joint operation would follow. To date, the only pertinent problem encountered by the Ministry of Finance in enforcing the said Act is the existence of unlicensed businesses.

Specific areas of technical assistance have been identified as per the reply to 3.4.

1.8 Is the Brunei Police trained to investigate financing of terrorism and other terrorist offences? Are judges and prosecutors trained to deal with cases involving terrorist financing and other acts of terrorism?

Reply

The Royal Brunei Police Force (RBPF) has made significant efforts to update and train its personnel in specialized skills, locally and internationally to enhance their capabilities according to the international standards. Currently, the RBPF is exploring into the possibilities of work attachments to those countries which had experienced terrorist attacks.

There is no specific training for prosecutors to deal with cases involving terrorist financing and other acts of terrorism. Depending on the complexity of the

cases, experienced lawyers from other countries may be used to conduct prosecution in such cases.

1.9 Brunei Darussalam indicates in its second report that it does not have legal provisions and procedures relating to the grant of refugee status. How does Brunei deal with asylum seekers?

Reply

Brunei Darussalam is not party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. There is no legal provision for granting temporary refuge or refugee status to those seeking such refuge or asylum. Normally, in the case of a refugee(s) or asylum seeker(s) entering Brunei Darussalam, basic humanitarian aid will be provided to assist them to leave the country.

1.10 The Committee notes that the Extradition Act is presently under review. Proposed changes include using a "penalty based approach" instead of the current "list system" for extradition purposes as well as redefinition of the restriction of non-extradition of an offence of political character in accordance with the Commonwealth. Could Brunei Darussalam further elaborate?

Reply

See Annex 3: Extradition Order 2006

The laws relating to extradition have recently been updated. The old Extradition Act [Chapter 8] has been repealed and is replaced with the Extradition Order 2006. The Order uses the minimum penalty-based system i.e. minimum one year. However, extradition may still be objected on the grounds that it is regarded as a political offence. Under the Order 2006, political offence in relation to a country is defined as an offence against the law of the country that is of a political character (whether because of the circumstances in which it is committed or otherwise and whether or not there are competing political parties in the country). But, it does not include an offence that is constituted by conduct of a kind referred to in a multilateral treaty to which Brunei Darussalam is a party; and for which parties have an obligation to extradite or prosecute; the offence of genocide; an offence of murder, kidnapping or any other attack on any person or his liberty; or threatening or attempting to commit, or participating as an accomplice in, murder, kidnapping or any other attack on the person or liberty; or any other offence that Brunei Darussalam and that other country have agreed will not be treated as political offence for the purposes of extradition.

1.11 The Committee takes note of the fact that the draft Mutual Assistance in Criminal Matters Order has been finalized and is about to be submitted to the legislative authority for enactment. The Committee would appreciate receiving a progress report on that issue as well as information on whether the draft covers terrorist offences.

Reply

Brunei Darussalam enacted the "Mutual Assistance in Criminal Matters Order 2005" (**Annex 4**) which was gazetted on 3 March 2005 and came into force on 1 January 2006. This Order enables Brunei Darussalam to request mutual legal

assistance to and from other countries in criminal matters and for related purposes, including:

- obtaining of evidence, documents, articles or other things making of arrangements for persons, including detained persons to give evidence or to assist in investigations;
- confiscation of property in respect of offences: service of documents;
- identification and location of persons: execution of requests for search and seizure;
- providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records. Government records may be provided in accordance with whether or not they are in the public domain within the laws of Brunei Darussalam; and any other type of assistance that is not contrary to the laws of Brunei Darussalam.

The Order applies to any foreign country, subject to:

- (a) any mutual assistance treaty between that country and Brunei Darussalam; and
- (b) any multilateral mutual assistance treaty being a treaty to which that country and Brunei Darussalam are parties.

It does cover terrorist-related offences (as long as it does not fall under section 24). The Central Authority under this Order shall be the Attorney General. All requests for mutual assistance in criminal matters will be referred to the Attorney General at the following address:

**Mutual Assistance Secretariat
The Law Building
Jalan Tutong, BA 1910
Brunei Darussalam**

This Order complements the Criminal Conduct (Recovery of Proceeds) Order 2000 and the Anti-Terrorism (Financial and Other Measures) Order 2002 and thus ensuring the effective implementation of paragraph 2 (d) of the Security Council resolution 1373.

1.12 Brunei Darussalam states that it can consider requests for freezing of funds and other assets by States Parties to the International Convention for the Suppression of the Financing of Terrorism. Could Brunei Darussalam further elaborate?

Reply

When there is a request to freeze certain assets from other state parties, Brunei Darussalam will consider such request and when approved, freezing of such assets will be made in accordance with section 12 of the Anti-Terrorism (Financial and Other Measures) Order, as long as the funds or other assets belongs to persons listed by the United Nations Security Council.

The Royal Brunei Police Force could also provide assistance through the INTERPOL by channelling information to member countries on suspected financing of terrorism that originated from the INTERPOL member countries. Since most of

the INTERPOL member countries are party to the United Nations Convention for Suppression of the financial terrorism, these member countries would have enacted legislation on the suppression of the financial of terrorism.

2. Implementation of resolution 1624 (2005)

2.1 What measures does Brunei Darussalam have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Reply

Under the laws of Brunei, there is no specific legislation for the offence of Terrorist act or acts. However, under the Penal Code, there are offences which provide for offences affecting the human body, offences affecting life, criminal force and assault, kidnapping, abduction, etc. all of which are considered to be offences involved in the planning, preparation or perpetration of terrorist acts. In addition, there are terrorist-related offences such as hijacking and unlawful seizure of aircraft which are found under the Hijacking and Protection of Aircraft Order 2000 and Tokyo Convention Order 2000. Incitement to commit any of these offences is considered an offence under section 107 of the Penal Code. This section states that a person abets the doing of a thing who instigates any person to do that thing; or engages, with one or more persons or persons, in conspiracy for the doing of that thing, if an act or illegal omission take place in pursuance of that conspiracy, and in an order to the doing that thing; or intentionally aids, by an act or illegal omissions, the doing of that thing.

In addition, the Public Order Act could also be applied to prohibit and to prevent incitement to commit a terrorist act or acts.

Public Order Act: (Annex 5)

- s.31: Any person who does any subversive act; or utters any subversive words, shall be guilty of an offence: Penalty, imprisonment for five years and a fine of not less than B\$ 5,000.
- s.32: Any person who imports, makes, prints, publishes, sells, offers for sale, issues, distributes, circulates or reproduces any subversive article shall be guilty of an offence. Penalty, imprisonment for seven years and a fine of not less than B\$ 7,000.
- s.33: Any person who without lawful excuse carries or has in his possession or under his control any subversive article shall be guilty of an offence. Penalty, imprisonment for five years and a fine of not less than B\$ 5,000.

For the purposes of this Act, any act, matter or word shall be deemed to be subversive if it:

- has a seditious intention;
- is likely to incite organized violence against persons or property in Brunei;
- supports, propagates or advocates any act prejudicial to the public safety in Brunei or the maintenance or restoration of public order therein, or incites or is

likely to lead to violence therein, or counsels disobedience to the law thereof or to any lawful order therein;

- incites or is likely to lead to feeling of ill will or hostility between different races or classes of the population in Brunei;
- is a record or account of or receipt for, or invites, requests, or demands support for or on account of any collection, subscription, contribution or donation, whether in money or in kind, for the direct or indirect benefit or use of persons who intend to act or are about to act, or have acted, in a manner prejudicial to the public safety in Brunei or to the maintenance or restoration of public order therein, or who incite to violence therein or counsel disobedience to the law thereof or any lawful order therein; or
- is likely to bring into hatred or contempt or to excite disaffection against:
 - Any class of public servants, or any public servant in the execution of his duty;
 - Any armed force lawfully in Brunei, or any member of such force in the execution of his duty.

2.2 What measures does Brunei Darussalam take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

Reply

Any person who has been convicted in any country or state of an offence for which a sentence of imprisonment has been passed for any term are considered to be prohibited immigrants and it shall be unlawful for such person to enter Brunei Darussalam under section 8 of the Immigration Act. As such, this would include any person guilty of incitement to commit terrorist acts or acts shall be prohibited to enter Brunei Darussalam under this provision.

Members of prohibited persons would also include any person who, in consequence of information received from any source deemed by the Controller to be reliable, or from any government, through official or diplomatic channels is deemed by the Controller to be undesirable immigrant.

If such person enters Brunei Darussalam, the Controller of Immigration shall prohibit such person from disembarking or may in his discretion detain him at an immigration depot or other place designated by the Controller until an opportunity arises to return him to his place of embarkation or to the country of his birth or citizenship as provided under section 31 of the Immigration Act.

In addition, the Internal Security Act and the Criminal Law (Preventive Detention) Order may be used in appropriate cases.

The Royal Brunei Police Force and the Department of Immigration and National Registration also shares intelligence reports on cases of suspected counterfeit and forged passports that might be related to terrorist activities. There is strict enforcement of the laws and regulations pertaining to immigration and travel documents and stringent checks are made to prevent entry into the country of persons who have been guilty of incitement to commit a terrorist act.

2.3 How does Brunei Darussalam cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

Reply

In enhancing its borders control, Brunei Darussalam cooperates with other States by exchanging intelligence information on terrorist activities. The Royal Brunei Police Force together with the Internal Security Department and the Department of Immigration and National Registration has established working relationship with other States to deal with the above matter. Stringent immigration and security checks are carried out at all sea, air and land entry points.

2.4 What international efforts is Brunei Darussalam participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Reply

Brunei Darussalam supports initiatives that aimed at enhancing dialogue and broadening understanding among civilizations. It acknowledges that dialogue and cooperation among cultures and civilizations is one effective measure to enhance understanding, tolerance, peace and harmony among people. Towards this end, Brunei Darussalam had co-sponsored the relevant United Nations General Assembly resolutions on this issue.

At the regional level, this is also an issue of paramount importance which was also discussed at various settings such as within the framework of ASEAN Regional Forum (ARF), Asia-Europe Meeting (ASEM) and Organization of the Islamic Conference (OIC) which Brunei Darussalam associates itself to the decisions taken.

On 17 March 2005, Brunei Darussalam joined the United Nations Educational, Scientific and Cultural Organization (UNESCO) as the 191st member. It attaches importance to the work of UNESCO and also its contributions to the international community towards achieving its objectives by working towards creating conditions for genuine dialogue based upon respect for shared values and the dignity of each civilization and culture.

In addition, Brunei Darussalam also participated in the "Dialogue on Interfaith Cooperation" co-organized by Indonesia and Australia held on 6-7 December 2004 in Yogyakarta, Indonesia. The objective served to foster greater understanding and cooperation between the various faith communities in the Asia region. The delegation of Brunei Darussalam comprised of representatives from the Islamic, Catholic Christian and Buddhist faith. Similarly, it also attended the "ASEM Interfaith Dialogue" that was held on 21-22 July 2005 in Bali, Indonesia. The Dialogue was co-sponsored by Indonesia and the United Kingdom.

Brunei Darussalam also attended another dialogue on Regional Interfaith Cooperation for Peace, Development and Human Dignity which was held in Cebu, the Philippines on 14-16 March 2006. It was convened by the Philippines through the Office of the Presidential Adviser on the Peace Process and the Department of

Foreign Affairs, with New Zealand, Australia and Indonesia as co-chairs. It was a follow-up to the activity of the first Dialogue on Interfaith Cooperation on Peace, Development and Human Dignity and Specific Country-Level Commitments, incorporating recommendations from the workshop themes on regional peace and security, development and human dignity, roles of education and media. The dialogue concluded with the "Cebu Declaration" that contained specific projects aimed at promoting peace and development in the Asia-Pacific region.

The latest meeting attended by Brunei Darussalam is the 2nd ASEM Interfaith Dialogue which was held in Larnaca, Cyprus on 3-5 July 2006. The delegation of Brunei Darussalam consisted of representatives from the Islamic, Catholic Christian and Buddhist faith. The dialogue was co-hosted by Cyprus and Malaysia that hoped to contribute substantially to the building of solid and sustainable bridges of dialogue and cooperation between people of different faiths, within ASEM and the world, in general. It concluded with the adoption of the "Larnaca Action Plan on Interfaith Understanding and Cooperation for a Peaceful World". Among others, the gathering decided to work towards the implementation of these following areas: (i) Interfaith understanding; (ii) The Role of Media in Promoting Interfaith Dialogue; and (iii) Religion and Multiethnic Societies.

2.5 What step is Brunei Darussalam taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, culture and religious institutions by terrorists and their supporters?

Reply

At the national level, the following measures were taken to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, culture and religious institutions by terrorists and their supporters:

- Any individuals, associations, organizations, societies in Brunei Darussalam are required to register with the relevant authorities if they wish to conduct activities such as preaching, missionary work, cultural and religious performances;
- Under Internal Security Act, s.24(1), the Minister of Home Affairs has the power under to close schools and educational institutions if he is satisfied at any time that a school or educational institution is being used for a purpose detrimental to the interests of Brunei Darussalam or the public;
- Under the Undesirable Publications Act, s.3(1), the Minister of Home Affairs has the power to prohibit importation, sale or circulation of publications which are contrary to the public interest.

The Royal Brunei Police Force has made numerous efforts through its Public Relations Unit and all the Police Districts throughout the country to increase awareness programmes such as seminars and talks to prevent incitement to commit a terrorist act or acts.

To counter incitement of terrorist acts, the Royal Brunei Police Force closely monitors extremist activities through its Department of Criminal Intelligence.

2.6 What is Brunei Darussalam doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its

obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

Brunei Darussalam is a party to the Convention on the Rights of the Child and has acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 24 May 2006. It is yet to become a party to other major International Human Rights Legal Instruments. In addition, Brunei Darussalam is a party to all the four Geneva Conventions of 1949 and its two Additional Protocols of 1977. Other treaties include Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction; Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Brunei Darussalam has ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction on 24 April 2006.

Brunei Darussalam has enacted the Children Order 2000, whereby the welfare of a child the best interest of the child shall always be the paramount consideration. It also put in place the Geneva Convention Order, whereby section 3 of this order provides grave breaches of all four Conventions and Protocol I which is punishable under Brunei Darussalam's law.

As a State Party, Brunei Darussalam has abided with the provisions contained in those conventions.

3. Assistance and guidance

3.1 The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance advice in connection with the implementation of the resolutions. The Committee's Directory of Assistance (www.un.org/sc/etc) is frequently updated to include new relevant information on available assistance. The Committee takes note of the fields of technical assistance requested by Brunei Darussalam in its third report and is pleased to inform Brunei Darussalam that its requested assistance has been brought to the attention of the International Monetary Fund (IMF), and other potential technical assistance provides through the Committee Matrix.

3.2 In addition to the above requested assistance, and in light of the specific areas related to Brunei Darussalam's implementation 1373 (2001) outlined in Section 1 of this letter, and based on Brunei Darussalam's reports to the Committee and on the other relevant information available, the Committee, with assistance from the CTED experts, has also conducted a preliminary analysis of which the Committee believes Brunei Darussalam may benefit from receiving technical assistance. With the agreement of and in cooperation with the Government of Brunei Darussalam, the aim is to identify the best possible ways for Brunei Darussalam to benefit from technical assistance in order to strengthen its implementation of the provisions of this resolution.

3.3 The analysis identified, on a preliminary basis, the following potential areas of assistance needs, with the understanding that further assessments may be necessary. The points below represent *selected* areas, amongst the areas referred to in the resolution, where assistance might be particularly useful:

- Legislative drafting; and
- Fully implementing those international instruments related to terrorism to which Brunei Darussalam is a party.

3.4 The Committee would like to receive your country's approval to share the above-mentioned points with donor States and organizations that may be in a position to provide assistance in these *selected* areas (other parts of this letter will not be shared). This would enable the Committee to facilitate the provision of technical assistance. The Committee would appreciate receiving your country's response no later than 30 days from the date of this letter. If your country's response is not received within that period, the Committee will assume that the points could be shared with donor States and organizations. The actual provision of assistance will naturally be subject to Brunei Darussalam's request and consent. The Committee would also welcome any comments Brunei Darussalam may have regarding this section (Section 3 on "assistance and guidance").

Reply

See Annex 6: List of technical assistance programmes required by relevant agency. Others include law enforcement activities like information-gathering, intelligence networking and sharing experiences on counter-terrorism; theoretical and practical assistance in terms of analysing terrorist activities.

4. Further guidance and submission of future reports

4.1 The Committee wishes to maintain the constructive dialogue it has established with Brunei Darussalam concerning measures taken in implementation of the resolutions, particularly with regard to the areas identified in this letter as priorities. The Committee and its Executive Director stand ready to provide further clarification on any of the matters raised in this letter. The Executive Director can be contacted through Ms. Elena Rigacci Hay (Tel: +1 212 457 1733; fax: +1 212 457 4041; e-mail: cted@un.org). The Committee through its Executive Directorate, may also contact the competent authorities of your country in order to discuss any other matters related to the implementation of the resolutions.

4.2 The Committee would like to receive from Brunei Darussalam further information on the questions raised and comments made in Section 1 and 2 of this letter by 16 February 2006. It would also be grateful if Brunei Darussalam would provide an update on assistance received thus far, including whether such assistance has met or is expected to meet its needs in areas related to the resolutions. As with previous reports, it is the Committee's intention to circulate this further report as a document of the Security Council. It is open to Brunei Darussalam, if desired, to submit a confidential annex to the report for the attention of the Committee and its Executive Directorate alone.

**Security Council**

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23 May 2007

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Note by the President of the Security Council

At its 5674th meeting, held on 24 March 2007 in connection with the item entitled "Non-proliferation", the Security Council adopted resolution 1747 (2007).

In paragraph 12 of the resolution, the Security Council requested within 60 days a further report from the Director General of the International Atomic Energy Agency (IAEA) on "whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board and with the other provisions of resolution 1737 (2006) and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration".

Accordingly, the President hereby circulates the report received today from IAEA (see annex).



Annex

**Letter dated 23 May 2007 from the Director General of the
International Atomic Energy Agency to the President of the
Security Council**

I enclose herewith the report requested by the Security Council in resolution 1747 (2007), which I have submitted today to the Board of Governors of the International Atomic Energy Agency.

I should be grateful if you would bring this letter and the enclosed report to the attention of all members of the Security Council.

(Signed) Mohamed **ElBaradei**

Board of Governors

GOV/2007/22

Date: 23 May 2007

Restricted Distribution
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Item 6(e) of the provisional agenda
(GOV/2007/18)

Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions¹ in the Islamic Republic of Iran

Report by the Director General

1. On 24 March 2007, the United Nations Security Council adopted resolution 1747 (2007), in which the Council, inter alia:

- re-affirmed that the Islamic Republic of Iran (Iran) shall without further delay take the steps required by the Board of Governors in resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions, and, in this context, affirmed its decision that Iran shall without further delay take the steps required in paragraph 2 of Security Council resolution 1737 (2006); and
- requested within 60 days a report from the Director General on whether Iran had established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the Board of Governors and with the other provisions of resolution 1737 (2006) and resolution 1747 (2007), to the Board and in parallel to the Security Council for its consideration.

2. This report, which is being submitted to the Board, and in parallel to the Security Council, covers developments since the Director General's report of 22 February 2007² on the implementation in Iran of its NPT Safeguards Agreement and relevant Security Council resolutions.

¹ Security Council resolutions 1696 (2006), 1737 (2006) and 1747 (2007).

² GOV/2007/8.

A. Enrichment Related Activities

3. Since 22 February 2007, Iran continued to test single machines, as well as the 10- and 20-machine cascades and the two 164-machine cascades (one of which Iran has since disconnected), at the Pilot Fuel Enrichment Plant (PFEP). Between 21 February and 17 March 2007, Iran fed 4.8 kg of UF₆ into the single machines and the 10-machine cascade.

4. In the light of the increasing number of installed centrifuges at the Fuel Enrichment Plant (FEP),³ on 22 March 2007, Iran agreed to a modified safeguards approach for that facility which includes, in addition to a monthly interim inspection and design information verification visit, a combination of, *inter alia*, unannounced inspections and containment and surveillance measures (GOV/INF/2007/10). The first unannounced inspection was carried out on 13 May 2007.

5. Since the Director General's last report, Iran has fed approximately 260 kg of UF₆ into the cascades at FEP. Iran has declared that it has reached enrichment levels up to 4.8% U-235 at FEP, which the Agency is in the process of verifying. On 13 May 2007, eight 164-machine cascades were operating simultaneously and were being fed with UF₆; two other similar cascades had been vacuum tested and three more were under construction.

6. Since early 2006, the Agency has not received the type of information that Iran had previously been providing, including pursuant to the Additional Protocol, for example information relevant to the assembly of centrifuges, the manufacture of centrifuge components or associated equipment and research and development of centrifuges or enrichment techniques.

B. Reprocessing Activities

7. The Agency has been monitoring the use of hot cells at the Tehran Research Reactor (TRR) and at the Molybdenum, Iodine and Xenon Radioisotope Production Facility (the MIX Facility) through inspections and design information verification. There are no indications of ongoing reprocessing activities at those facilities. The follow-up on the construction of hot cells at the Iran Nuclear Research Reactor (IR-40 Reactor) at Arak has been limited, however, to the analysis of satellite imagery since, as of 13 April 2007, Iran has not provided the Agency with access to the reactor site to carry out design information verification (GOV/INF/2007/10) (see Section E.2 below).

C. Heavy Water Related Projects

8. Satellite imagery indicates that civil construction of the IR-40 reactor and the operation of the Heavy Water Production Plant are continuing.

D. Outstanding Issues

9. Iran has not responded to the Agency's long standing requests related to:

- the uranium contamination at the Physics Research Centre (GOV/2007/8, paras 15-17);
- Iran's acquisition of P-1 and P-2 centrifuge technology (GOV/2007/8, para. 18); and
- the documentation concerning uranium metal and its casting into hemispheres (GOV/2007/8, para. 19).

³ GOV/2007/8, para. 8.

10. On 18 April and 2 May 2007, Iran provided information regarding the two leaking reactor fuel assemblies taken from TRR that, according to Iran, were the source of the high enriched uranium contamination found in environmental samples taken at the Karaj Waste Storage Facility (GOV/2007/8, para. 21). The Agency is currently analysing this information.

E. Other Implementation Issues

E.1. Uranium Conversion

11. The Agency conducted the annual physical inventory verification (PIV) at the Uranium Conversion Facility (UCF) in March 2007. During the PIV, Iran presented 269 tonnes of UF₆ for Agency verification, all of which remains under Agency containment and surveillance measures. The Agency is evaluating the results of the PIV.

E.2. Design Information

12. On 29 March 2007, Iran informed the Agency that it had "suspended" the implementation of the modified Code 3.1, which had been "accepted in 2003, but not yet ratified by the parliament", and that it would "revert" to the implementation of the 1976 version of Code 3.1, which only requires the submission of design information for new facilities "normally not later than 180 days before the facility is scheduled to receive nuclear material for the first time." In a letter dated 30 March 2007, the Agency requested Iran to reconsider its decision.⁴

13. Iran has taken issue with the Agency's right to verify design information which had been provided by Iran pursuant to the modified Code 3.1 concerning the IR-40 reactor at Arak.⁵ The basis for Iran's contention is that, under the 1976 version of Code 3.1, to which it had "reverted", the verification of such information is not justified, given the preliminary construction stage of the facility (described as "far beyond receiving nuclear material") and the Agency's previous activities at Arak.

14. In accordance with Article 39 of Iran's Safeguards Agreement, agreed Subsidiary Arrangements cannot be modified unilaterally; nor is there a mechanism in the Safeguards Agreement for the suspension of provisions agreed to in Subsidiary Arrangements. Moreover, Code 3.1 is related to the provision of design information, not to the frequency or timing of verification by the Agency of such information. The Agency's right to verify design information provided to it is a continuing right,⁶ which is not dependent on the stage of construction of, or the presence of nuclear material at, a facility.

E.3. Other Matters

15. On 29 April 2007, Iran informed the Agency that the Fuel Manufacturing Plant (FMP) would receive natural uranium oxide powder soon in preparation for "preliminary process tests".

16. There are a number of other matters about which the Agency has received no new information, such as Iran's uranium mining activities (GOV/2005/67, paras 26-31), its experiments involving polonium (GOV/2005/67, para. 34), and the designation of inspectors to Iran (GOV/2007/8, para. 23).

⁴ Both letters are reproduced in GOV/INF/2007/8.

⁵ Iran's letters are dated 13 April 2007, 25 April 2007, and 14 May 2007; the Agency's replies are dated 18 April 2007 (GOV/INF/2007/10) and 7 May 2007.

⁶ GOV/2534/Ann.2/Rev. 2.

The Director General will report further on these matters as and when the Agency receives any such information.

F. Transparency Measures

17. Iran has not agreed to any of the required transparency measures, which are essential for the clarification of certain aspects of the scope and nature of its nuclear programme. These measures include discussions about information provided to the Agency concerning alleged studies related to the conversion of uranium dioxide into UF₆, to high explosives testing and to the design of a missile re-entry vehicle (GOV/2007/8, para. 25).

G. Summary

18. Although the Agency is able to verify the non-diversion of declared nuclear material in Iran, the Agency remains unable to make further progress in its efforts to verify certain aspects relevant to the scope and nature of Iran's nuclear programme. Pursuant to its NPT Safeguards Agreement, Iran has been providing the Agency with access to declared nuclear material, and has provided the required nuclear material accountancy reports in connection with declared nuclear material and facilities. Iran has, however, ceased to implement the modified Code 3.1 of the Subsidiary Arrangements with respect to the early provision of design information, and has not permitted the Agency to perform design information verification at the IR-40 reactor.

19. As previously stated, unless Iran addresses the long outstanding verification issues, and implements the Additional Protocol and the required transparency measures, the Agency will not be able to fully reconstruct the history of Iran's nuclear programme and provide assurances about the absence of undeclared nuclear material and activities in Iran or about the exclusively peaceful nature of that programme. It should be noted that because the Agency has not been receiving for over a year information that Iran used to provide, including under the Additional Protocol, the Agency's level of knowledge of certain aspects of Iran's nuclear related activities has deteriorated.

20. Iran has not suspended its enrichment related activities. Iran has continued with the operation of PFEP. It has also continued with the construction of FEP and has started feeding cascades with UF₆. Iran has also continued with its heavy water related projects. Construction of the IR-40 reactor and the operation of the Heavy Water Production Plant are continuing.

21. The Director General will continue to report as appropriate.

**General Assembly
Security Council**

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23 May 2007
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General Assembly
Sixty-first session
Agenda item 13
The situation in the Middle East

Security Council
Sixty-second year

**Identical letters dated 22 May 2007 from the Chargé d'affaires a.i.
of the Permanent Mission of Lebanon to the United Nations
addressed to the Secretary-General and the President of the
Security Council**

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations that took place between 8 and 14 May 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(Signed) Caroline **Ziade**
Chargé d'affaires a.i.



Annex to the identical letters dated 22 May 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Information summary

Subject: Israeli violations, attacks and activities from 8 to 14 May 2007 inclusive

Air violations

14 May 2007:

Between 0725 and 0746 hours, a yellow agricultural aircraft of the Israeli enemy violated Lebanese airspace to a distance of 200 metres over Sahl al-Khiyam and 'Aitarun.

At 1620 hours, an unseen reconnaissance aircraft of the Israeli enemy was heard flying over Tibnin and the surrounding area.

Between 1910 and 2210 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over 'Alma al-Sha'b, flying north, circled over the area of the South and then departed over Rumaysh.

Sea violations

11 May 2007:

At 1825 hours, the Israeli enemy directed a searchlight at a Lebanese fishing vessel 600 metres north of the line of buoys.

Field attacks

10 May 2007:

At 1225 hours, four Israeli civilians took photographs of the Lebanese army position (10th Engineering Brigade) at Kfar Kila.

Between 2225 and 2250 hours, the enemy Israeli forces directed a searchlight from their position at Ruwaysat al-'Alam inside the occupied Shab'a farmlands towards the area of the vineyards and the spring outside Kfar Shouba.

1 May 2007:

Between 2115 and 2235 hours, the Israeli enemy intermittently shone searchlights from their position at Dahr al-Jamal (opposite Ramiya) outside the village of Dahr al-Jamal and along the Blue Line opposite their position.

Israeli activities

1 May 2007:

Between 0340 and 0430 hours, an enemy Israeli gunboat directed medium machine-gun fire and illumination flares in the open sea opposite Ra's al-Naqura.

14 May 2007:

At 0245 hours, an enemy Israeli gunboat fired several bursts of medium machine-gun fire and an illumination flare in the open sea opposite Ra's al-Naqura.

**Security Council**

Distr.: General
24 May 2007

Original: English

**Letter dated 22 May 2007 from the Chairman of the Committee
on the Exercise of the Inalienable Rights of the Palestinian People
addressed to the President of the Security Council**

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have the honour to refer to the summary statement by the Secretary-General concerning the list of items of which the Security Council is currently seized and the stage reached in their consideration (S/2007/10).

In this connection, I would like to reiterate the Committee's continuing objection to the deletion from the aforementioned list of those items that relate to the exercise of the inalienable rights of the Palestinian people, the question of Palestine and the situation in the Middle East, which are of special concern not only to the Committee but also to the majority of Member States. The Committee believes that pending a comprehensive, just and lasting settlement of the Arab-Israeli conflict, the core of which is the question of Palestine, in accordance with international legitimacy, these items should remain on the list of matters of which the Council is seized, as they continue to engage the Council's primary responsibility with regard to the maintenance of international peace and security.

Any decision to delete those items, especially at this critical point, would go well beyond procedural exercise and would have far-reaching political implications. On behalf of the Committee, I would like once again to express the firm hope that decisions of such fundamental importance will be taken in thorough consultation with all the parties concerned.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) Paul Badji

Chairman

Committee on the Exercise of the Inalienable Rights
of the Palestinian People





Security Council

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23 May 2007

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Letter dated 22 May 2007 from the Secretary-General to the President of the Security Council

I have the honour to convey the attached communication, dated 11 May 2007, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(Signed) **Ban Ki-moon**

Annex

**Letter dated 11 May 2007 from the Secretary-General of
the North Atlantic Treaty Organization addressed to the
Secretary-General**

In accordance with Security Council resolutions 1386 (2001) and 1510 (2003), I attach a report on operations of the International Security Assistance Force covering the period from October 2006 to February 2007. I would appreciate your making this report available to the Security Council.

(Signed) **Jaap de Hoop Scheffer**

Enclosure**Quarterly report to the United Nations on the operations of the International Security Assistance Force****Introduction**

1. By resolution 1510 (2003) the Security Council requested the leadership of the International Security Assistance Force (ISAF) to provide reports on the implementation of its mandate. This is the twelfth such report by NATO and it covers the period from October 2006 to February 2007.
2. As of February 2007, ISAF has 33,891 personnel from 26 NATO countries and 625 from 11 non-NATO countries.

ISAF status

3. ISAF has expanded its presence and now assumes responsibility for providing security assistance across the whole of Afghanistan. ISAF also maintains a cooperative and mutually beneficial relationship with the United States-led coalition operating in Afghanistan which is known as "Operation Enduring Freedom". The coalition forces that have not been transferred to NATO continue to maintain freedom of movement throughout Afghanistan to allow for the development of the Afghan National Security Forces and counter-terrorism operations.
4. Prosecution of Operation Oqab began on 28 October 2006 to ensure that the opposing militant forces were kept off balance throughout the winter, while maintaining ISAF freedom of movement, in particular along Highway 1 from Kabul to Herat, and ensuring security for the establishment and expansion of Afghan Development Zones in volatile regions. Operation Oqab marks an important milestone for progress in the planning and execution of combined pan-theatre operations with the Government of Afghanistan.
5. Staggered transition across Afghanistan to the second phase of Operation Oqab was completed in mid-January with Regional Command South. This phase particularly emphasized operations along the Afghanistan-Pakistan border in order to deny the insurgents the ability to reconstitute and focus their operations, by disrupting and interdicting insurgent sanctuary areas, infiltration and supply routes throughout the winter.
6. The transition from headquarters ISAF IX to a composite multinational headquarters ISAF X took place from November 2006 to February 2007. It culminated on 4 February 2007 with the change of command from General David Richards to General Dan McNeill.

Overall security situation

7. The activity of the opposing militant forces has been concentrated in the south and east during this reporting period. There was no pre-winter surge in activity this year as there has been in previous years.
8. The opposing militant forces have concentrated their efforts on a campaign of low-risk, high-impact attacks, supported by a robust propaganda effort designed to undermine the credibility of the Government of Afghanistan and ISAF. Of special concern is the fivefold increase in suicide attacks in 2006 compared to 2005. In

2005, there were 25 suicide events (18 attacks, 7 incidents), and in 2006 there were 130 suicide events (92 attacks, 38 incidents). The opposing militant forces also showed indications during this period of an increasing trend to deliberately target Afghan and foreign civilians, and to engage ISAF forces with the express intent to cause collateral civilian damage.

Regional security assessment

9. In Regional Command Capital, there has been a significant decrease in the number of insurgent attacks. This is mostly due to increased counter-insurgency operations by the Afghan National Security Forces and ISAF, including the disruption of improvised explosive device cells of the opposing militant forces, both within Regional Command Capital and the bordering provinces, the increased security posture around Kabul Centre and key Government of Afghanistan installations, effective outreach to traditional and tribal leaders and well coordinated use of available reconstruction and development funds by Regional Command Capital. This activity appears to have forced the insurgents to switch their operational focus towards perceived "softer" targets of the Afghan National Security Forces and the Government of Afghanistan within the less effectively controlled outlying districts of Kabul.

10. Incidents in Regional Command North were at a level comparable to the same reporting period last year. Effective, intelligence-driven counter-insurgency operations resulted in reduced activity throughout most of the region. Attacks against the Afghan National Security Forces have decreased slightly in comparison to last year, and attacks on international and non-governmental organization personnel, while rare, still occur. Most attacks on international organization/non-governmental organizations are conducted by criminal elements, but involvement of the opposing militant forces cannot be ruled out in some cases. Attempts by influential political figures to gain a foothold in this region by allying with each other could become a serious threat to the influence of the Government.

11. The security situation in Regional Command West has remained relatively stable as the opposing militant forces continue to focus on Farah Province and primarily on key lines of communication. Attacks have been both direct and asymmetric. Insurgent and criminal activity has continued to affect much of Regional Command West, including Herat and Badghis Provinces.

12. Regional Command South has been the focus of the Taliban insurgency over the reporting period. The isolation of Kandahar is still assessed as a primary objective of the opposing militant forces, evidenced by the concentration of numerous Taliban fighters west of Kandahar City. Following Operation Medusa, insurgents re-infiltrated Panjwayi and Zhari Districts. The subsequent Operation Baaz Tsuka severely disrupted Taliban command and control in western Kandahar. Insurgent efforts in Zabul have focused on interdicting Highway 1 with improvised explosive devices and small-arms fire ambushes. Opposing militant forces activity in Uruzgan has been mainly reactive as insurgents attempt to secure their deep sanctuary areas within the province. Effective counter-insurgency operations, combined with close coordination with the existing tribal and traditional structures in Uruzgan, and the non-governmental organizations operating there, has contributed to a calming effect in those parts of the province frequented by the

Dutch-led provincial reconstruction team. Deteriorating weather this winter has also reduced the ability of the opposing militant forces to conduct attacks.

13. Activity of the opposing militant forces in Regional Command East followed the overall pattern and was concentrated around Paktika, Paktya, Khost, Nuristan, Nangahar, Kunar and Ghazni. The crossing of insurgents from Pakistan's federally administered tribal areas remained a concern in the provinces of Paktika, Paktya and Khost. ISAF operations have had a significant effect on insurgent activity, pushing the activity of the opposing militant forces away from the interior and into the border regions and reducing the effectiveness of attacks. The onset of winter was a factor on opposing militant force activity, also.

Security arrangements

14. Over the reporting period there has been implementation of various local security arrangements between affected parties. Diverse arrangements were signed in Helmand and Khost Provinces. In addition to the accord with tribal leaders signed by the Government of Pakistan in September 2006, tribes on both sides of the Afghanistan-Pakistan border in the Kunar and Nuristan regions signed a cross-border security arrangement in December 2006. Finally, early in January 2007, the newly appointed Helmand provincial Governor, Assadullah Wafa, outlined a set of security protocols as guidance to local tribal leaders for future efforts to establish and maintain a secure environment. It should be noted that there are significant, substantive differences between the various security arrangements.

Disbandment of illegal armed groups

15. In general, the progress of disbandment of illegal armed groups has been disappointing so far with, again, no significant developments since the last report. Nevertheless, the Government of Afghanistan has initiated a strategy review of the structure and methods of disbandment, in which the international community and ISAF are participating. The Afghan leadership acknowledged that the continued presence of individuals linked to illegal armed groups in influential and highly visible positions contributed to insecurity in Afghanistan. President Karzai endorsed the strategy review, and a resulting action plan, which highlights a number of key issues at the macro/strategic level that need to be urgently addressed if the programme is to move forward in accordance with the agreed conditions of the Afghanistan Compact. These issues include stronger political support from the Government of Afghanistan at all levels and the introduction of appropriate legislation to support disbandment of illegal armed groups. Some successes in Takhar and Kapisa Provinces as well as bottom-up approaches with Governors having to provide lists of complying and non-complying illegal armed groups may also reinvigorate the process.

16. Driven by the personal commitment of Professor Mujadeddi, the programme Takhim-e-Sol (Strengthening Peace) has expanded to 11 field offices and handled over 3,000 reconciliations despite a serious lack of funding. ISAF involvement in the programme consists mainly of support at the provincial reconstruction team level. ISAF will continue to encourage the international community and international and non-governmental organizations to support this Government programme. Although disbandment of illegal armed groups and the programme are not formally linked, members of both the disbandment of illegal armed groups Joint

Secretariat and the programme Commission have suggested that a two-way information exchange would be beneficial and that greater synergy would assist both processes.

Counter-narcotics

17. Following the 59 per cent increase in 2006 in poppy cultivation, the need to improve implementation of the Afghan National Drug Control Strategy remains. There is increasing evidence of a link between the insurgency and poppy growing. Considerable improvements in the capacity of the Government of Afghanistan to tackle narcotics have been made through encouraging initiatives sponsored by both the Ministry of Counter-Narcotics and the Ministry of the Interior. The National Drug Control Strategy is being implemented across the country and, from January 2007, the Ministry of Counter-Narcotics has established a functional Afghan Eradication Coordination Cell from where centrally directed eradication operations are being coordinated. Centrally directed eradication by mechanical and manual means is taking place in Helmand Province from January to March 2007 and is then likely to progress on to Badakhshan or Balkh Province from April 2007, for a further three months.

18. Governors from the 12 major poppy-cultivating provinces appear to be supporting the efforts of the Government; some are forging ahead with their own Governor-led eradication campaigns. ISAF is endeavouring to liaise closely with provincial Governors on security matters related to eradication.

19. A civil public information company is employed by the Government of Afghanistan to run the counter-narcotics information campaign. ISAF is not involved in eradication operations.

Afghan National Army

20. Complicated by poor retention, the strength of the Afghan National Army is well below the current authorized goal of 70,000, but is continuing to develop. It has been estimated that approximately 15,000 combat troops are present for duty, that is, available for operations, at a given time, in an Afghan army that has engaged in nearly continuous combat for several years running. However, the Afghan National Army is performing well in combat, especially with embedded assistance.

21. The Combined Security Transition Command Afghanistan is providing most of the training, mentoring and equipping of the Afghan National Army, and is working closely with the Ministry of Defence to improve retention and expand recruitment and training. There remains a need for additional training, mentoring and operational liaison support, such as that which is provided by ISAF operational mentoring and liaison teams. The Afghan National Army also lacks some combat enablers, and offers of such combat-enabling equipment. NATO has recently taken on the responsibility of assisting the Combined Security Transition Command in equipping the Afghan National Army.

Afghan National Police

22. The Afghan National Police still suffers from serious shortcomings which need to be addressed as a matter of priority as development of the National Police is fundamental to meeting the security needs of Afghanistan. Greater international

assistance in police training under the auspices of the European Union is under active preparation. NATO has been asked to lend logistical support to the mission, mainly through provincial reconstruction teams. NATO is currently working on the modalities for the necessary support to the European Union Police Mission in Afghanistan.

23. The challenge of building and reforming the Afghan National Police is very different from that of creating the Afghan National Army mainly because a large part of the reform work has to deal with the existing institution, whereas the Army was newly created. The number of patrolmen serving in the Afghan National Police has not been adequately confirmed by the Ministry of the Interior or the international community. The Combined Security Transition Command intends to conduct an audit to establish actual Afghan National Police numbers on the ground. Criminality and corruption are an impediment to the establishment of the rule of law and must be rooted out at all levels. The President's personal involvement in removing corrupt and incompetent police officials has been and will continue to be essential. Better and more reliable payment, combined with improved training and additional equipment, will reduce the perceived benefits of corruption.

24. Pragmatic solutions to security problems are achieving some degree of success. The Afghan National Auxiliary Police are now serving in 15 provinces across Afghanistan. An increase of 700 Auxiliary Police for Kandahar Province has been approved and, in January 2007, the Policy Action Group agreed that training of Auxiliary Police should commence in Regional Command East and Herat with the proviso that the overall Auxiliary Police numbers of 11,271 not be exceeded. Long-term solutions to the training, equipping, paying and sustaining of Auxiliary Police forces and their command and control relationships with the central government and the local authorities are still under development.

25. The Afghan National Civil Order Police is a newly formed force that will eventually grow to a total of 5,000. It will replace the Afghan Standby Police and will perform as a high quality, more mobile, better equipped and responsive element of the national police force. It will provide an urban SWAT/riot-control capability, and a more viable police presence in higher threat rural areas. The Combined Security Transition Command will man, train, equip and field an initial operational capability by 10 May 2007 for the Civil Order Police.

Judicial reform and rule of law

26. From an ISAF perspective, the slow progress of the international effort in this area remains extremely problematic as it undermines efforts to improve security. However, there has been a revitalized international effort in this arena. The international community has been meeting on a monthly basis since October in the International Coordination Group for Justice Reform, co-chaired by Italy and UNAMA. The United States chaired a rule of law conference on Dubai in December, and Italy and the United Nations will be co-chairing a high-level rule of law conference in Rome in July. These mechanisms have reinvigorated the interim Afghan national development strategy process in the justice sector. Interim strategies now exist for the Ministry of Justice Supreme Court and the Attorney General's Office. These will be further refined after the 5th meeting of the Joint Coordination and Monitoring Board, on 1 May, in time for the Rome conference. Italy has hired a consultant to help integrate the strategies in time for the Rome

conference, which will guide future donor assistance. Significant results remain to be seen.

27. There have also been some military-driven achievements in this reporting period. ISAF is working closely with Combined Security Transition Command with a view to continuing current initiatives, and to improving provincial assessment of justice sector status and activity.

28. In partnership with the rule of law team of the Combined Security Transition Command, ISAF will continue to promote coordination of military efforts in this area. Engagement of key leaders will continue and will include utilizing links and contacts of the Combined Security Transition Command within the Afghan justice community as well as the maintenance and strengthening of relations with the Afghan Independent Human Rights Commission. There is resolve by ISAF and the Combined Command to approach this project in a united manner.

Neighbouring countries

29. A concerted international effort is under way to improve cooperation between Pakistan and Afghanistan and to encourage them to find mutually beneficial solutions to the many issues they face. In support of the efforts at improving bilateral relations, ISAF has played a leading role in the Tripartite Commission (Afghanistan-Pakistan-ISAF). The Commission continues to build military-to-military collaborative efforts and forms the most significant forum for successful coordination with the Pakistan military along the border. Effective cross-border relationships are essential to controlling and limiting the effectiveness of the opposing militant forces throughout the organization's layers of command and the Tripartite Commission will continue to play a critical role in this respect. Beyond the Tripartite Commission's military-to-military efforts, a complementary civilian effort to address the situation on both sides of the border and to deprive freedom of movement to the opposing militant forces is essential. In addition, a comprehensive international effort to improve the living conditions of all residents of the border regions, to create employment opportunities, to improve educational options, and to address tribal and ethnic grievances needs to be implemented as part of an effective comprehensive counter-insurgency strategy for the border area.

30. Other regional relations have improved, as demonstrated by the investment plans of India and China in Afghanistan.

Capacity of the Government of Afghanistan

31. The Policy Action Group, led by President Karzai and strongly encouraged by the international community, in particular the Commander of ISAF, is proving to be an effective forum in which to maintain the impetus behind various presidential and Government of Afghanistan-led initiatives in volatile regions. ISAF will continue to strongly support and nurture the Policy Action Group to ensure its longer-term relevance and effectiveness.

32. At a subnational level, and in line with traditional systems, local arrangements are being increasingly made to deal with local issues. The Government of Afghanistan supports the arrangements under the motto "Local/tribal solutions for local problems", as long as the community benefits and these arrangements do not undermine the Government's legitimacy. This also gives an Afghan lead in finding solutions.



Security Council

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24 May 2007

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Letter dated 23 May 2007 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the joint African Union-United Nations report on the hybrid operation in Darfur, as coordinated by the two organizations on the basis of the 16 November 2006 high-level meeting on the situation in Darfur, held in Addis Ababa, whose conclusions were endorsed by the 30 November 2006 summit-level meeting of the African Union Peace and Security Council as well as in the statement by the President of the United Nations Security Council on 19 December 2006 (S/PRST/2006/55).

I should be grateful if you would be the report to the attention of the members of the Security Council.

Alpha Oumar Konaré, Chairperson of the African Union Commission, is taking appropriate steps to bring the report to the attention of the members of the African Union Peace and Security Council.

(Signed) **Ban Ki-moon**

Report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur

I. Introduction

1. The present report is submitted pursuant to the statement by the President of the Security Council issued on 19 December 2006 (S/PRST/2006/55), in which the Council endorsed the conclusions of the 16 November 2006 high-level consultation on Darfur, held in Addis Ababa. The Addis Ababa conclusions called for a comprehensive approach to the peace process in Darfur, including re-energizing the political process, strengthening the ceasefire and a three-phased approach to peacekeeping, culminating in an African Union-United Nations hybrid operation. The conclusions of the high-level consultation were also endorsed at the 66th meeting of the African Union Peace and Security Council, held on 30 November 2006 in Abuja. The Council of Ministers of the Government of the Sudan subsequently endorsed the Addis Ababa and Abuja decisions on 3 December 2006.

2. The present report proposes a mandate and a structure for the hybrid operation in Darfur and provides details on the various components of the proposed operation and their specific tasks. Additionally, the report describes the ongoing efforts of the international community to support the peace process in Darfur and to strengthen the African Union Mission in the Sudan (AMIS).

II. Background

3. After the signing of the N'Djamena Humanitarian Ceasefire Agreement between the Government of the Sudan, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) in April 2004 and the follow-up agreement of 28 May 2004, the African Union deployed AMIS and gradually expanded it to its current strength of over 7,000 personnel, including 5,197 protection-forces personnel, 946 military observers and 1,360 civilian police.

4. As the observer mission evolved into a complex peacekeeping operation, and owing to uncertainty regarding its financial sustainability, the African Union Peace and Security Council, in its 12 January 2006 communiqué, expressed its support, in principle, for a transition from AMIS to a United Nations operation. That decision was subsequently reiterated in the Peace and Security Council communiqué of 10 March 2006, which called for the transition of AMIS to a United Nations operation. Such a transition was also endorsed by the United Nations Security Council in its presidential statement of 3 February 2006 (S/PRST/2006/5) and its resolutions 1663 (2006) and 1679 (2006). In its resolution 1679 (2006), the Council called for a joint African Union-United Nations technical assessment mission to the Sudan/Darfur to assess the requirements for strengthening AMIS and the possible transition of AMIS to a United Nations peace operation.

5. On the basis of the recommendations of the joint African Union-United Nations technical assessment mission conducted in June 2006 and the report of the Secretary-General of 28 July 2006 (S/2006/591), on 31 August 2006 the Security Council adopted resolution 1706 (2006), in which it authorized the expansion of the

United Nations Mission in the Sudan (UNMIS) into Darfur and invited "the consent of the Government" for the deployment of a multidimensional United Nations peace operation in Darfur. However, the Government of the Sudan did not give its consent.

6. At its 63rd meeting, held at the level of Heads of State and Government in New York on 20 September 2006, the Peace and Security Council took note of Security Council resolution 1706 (2006), as well as the Government of the Sudan's decision not to consent to the deployment of the United Nations peacekeeping operation in Darfur. It requested the African Union Commission, with the support of African Union member States, the United Nations and other partners, to take all necessary measures to enhance AMIS on the basis of the concept of operation approved by the Military Staff Committee of the African Union at its meeting of 23 June 2006.

7. Out of deep concern for the difficulties that AMIS and its mandate have been faced with, as well as continued insecurity in Darfur, on 16 November 2006 the Secretary-General and the Chairperson of the African Union Commission co-chaired in Addis Ababa a high-level consultation of the five permanent members of the Security Council, the Government of the Sudan, the European Union, the League of Arab States and a number of African countries. The objective of that high-level consultation was to identify concrete steps to be taken to improve the situation in Darfur. The meeting reached a number of conclusions based on three requirements: re-energizing the political process, establishing a strengthened ceasefire and defining the way forward for peacekeeping in Darfur.

8. The Addis Ababa conclusions proposed a number of principles to guide efforts to re-energize the political process and establish a strengthened ceasefire under the joint leadership of the African Union and the United Nations. The Addis Ababa conclusions also outlined the way forward with regard to peacekeeping, focusing on a three-phase approach of United Nations support for AMIS, consisting of a light support package, a heavy support package and an African Union-United Nations hybrid operation.

9. The high-level consultation underlined that the hybrid operation should be capable of contributing to the restoration of security and the protection of civilians in Darfur and should be logistically and financially sustainable, and further noted the need to take into account security along the borders between the Sudan and Chad and the Central African Republic.

10. On 30 November 2006 in Abuja, the African Union Peace and Security Council held its 66th meeting, at which it endorsed the Addis Ababa conclusions in its communiqué and decided with regard to the hybrid operation that:

(a) The Special Representative shall be jointly appointed by the Chairperson of the African Union Commission and the Secretary-General of the United Nations, after appropriate consultations, as per the practice;

(b) The Force Commander, who should be an African, shall be appointed by the Chairperson of the African Union Commission in consultation with the Secretary-General of the United Nations;

(c) The Mission shall benefit from United Nations backstopping and command and control structures;

(d) The size of the force shall be determined by the African Union and the United Nations, taking into account all relevant factors and the situation on the ground, as well as the requirements for it to effectively discharge its mandate.

11. On 19 December 2006, the Security Council issued a presidential statement (S/PRST/2006/55) in which it endorsed the Addis Ababa conclusions and the Abuja communiqué of the Peace and Security Council and called for their implementation without delay, also calling on all parties to facilitate the immediate deployment of the United Nations light and heavy support packages for AMIS and a hybrid operation in Darfur, for which backstopping and command and control structures and systems would be provided by the United Nations. On 23 December 2006, in a letter addressed to the Secretary-General, President Omer Al-Bashir confirmed that the Addis Ababa conclusions and the Abuja communiqué "constitute a viable framework for peaceful settlement of the conflict in Darfur" and reaffirmed the readiness of the Government of the Sudan to implement the Addis Ababa conclusions and the Abuja communiqué. The Government of the Sudan also informed the African Union of its acceptance of the decision of the Peace and Security Council.

III. Status of implementation of the Darfur Peace Agreement

12. Since its signing on 5 May 2006 in Abuja, the Darfur Peace Agreement has run into considerable difficulties. Only two of the four parties that negotiated the Agreement signed it in the end. Those that refused to sign objected to certain provisions of the power-sharing, wealth-sharing and final security arrangements protocols of the Agreement, including the provisions on senior Darfuri representation in the national Government, the creation of a Darfur region, the amount allocated for compensation of victims of the conflict and the disarmament of the Janjaweed. More than one year after its signing, the Agreement has failed to achieve its objectives of bringing peace and security to the people of Darfur and paving the way for a just, peaceful and lasting political solution to the conflict in Darfur.

13. Nevertheless, significant efforts are being made by the African Union, the Darfur Peace Agreement partners, including the United Nations and signatories of the Agreement in establishing implementation structures, such as the Darfur Assessment and Evaluation Commission, and operationalizing some provisions of the Agreement.

14. With regard to the power-sharing protocol, for instance, even though SLA-Minawi leader Minni Arko Minawi was appointed Senior Assistant to the President and Chairman of the Transitional Darfur Regional Authority in October 2006, the Regional Authority itself, which is a critical aspect of the Darfur Peace Agreement, since it represents the Darfur regional administration, was inaugurated only on 23 April 2007. This has significantly affected all other aspects of implementation of the Agreement since its signing. At the same time, the relationship between Minawi as Chairperson of the Regional Authority and existing Government structures in the three Darfur states has not been fully clarified, and concrete plans for the consolidation and functioning of the Regional Authority have yet to be developed.

15. Meanwhile, a number of ministerial, gubernatorial and legislative posts have been filled by representatives of SLA-Minawi and those movements that have

signed the Declaration of Commitment to the Darfur Peace Agreement. The Government of the Sudan claims to have implemented up to 85 per cent of the power-sharing component of the Agreement. There will therefore be a critical need to revisit the matter in the framework of re-energizing the political process and broadening the support base of the Agreement in order to provide fresh and concrete incentives for the non-signatory groups to join the peace process.

16. No significant progress has been made in the implementation of the wealth-sharing provisions of the Darfur Peace Agreement either. Compensation provisions remain outstanding. The Darfur Joint Assessment Mission, which was required to assess development and reconstruction needs in Darfur, has had to suspend its work because of security concerns. Consequently, the donors' pledging conference that was to be held in 2006 was postponed on account of the fact that the Joint Assessment Mission process was not concluded.

17. Various constraints related largely to logistics and funding, as well as the lack of an all-inclusive political process, have hindered meaningful progress in the implementation of the Darfur Peace Agreement provisions relating to the comprehensive ceasefire and final security arrangements. Although steps by both the Government of the Sudan and the Ceasefire Commission have been taken towards finalizing the "Plan for the disarmament of the Janjaweed/armed militias", the actual neutralization and disarmament of the Janjaweed are yet to start, with all the attendant implications for security in Darfur. In addition, the verification of parties' locations has been completed in only two out of the eight sectors (sectors I and II).

18. The Darfur Peace Agreement provides for non-military logistic support to the movements, after they fulfil certain conditions, including redeployment. However, although those conditions have not been met, at its fifth session, held in El Fasher on 7 February 2007, the Joint Commission observed that the prevailing insecurity in Darfur is also linked to the absence of legal means of livelihood for elements belonging to both the signatory and non-signatory movements.

19. The Joint Working Commission on the Final Security Arrangements is currently drawing up an inventory of the movements' forces and their requirements. AMIS has meanwhile concluded arrangements for the establishment of the Logistics Coordination Committee, which would be responsible for supervising and coordinating logistic support for the movements' forces. The Logistics Coordination Committee will also determine their requirements in terms of rations, water, shelter, medical supplies and clothing. The Committee, whose membership includes the donors and the United Nations, will report to the Ceasefire Commission. Meanwhile, the Government of the Sudan continues to provide financial and other logistic assistance to the movements on a voluntary basis.

20. The effective launching of the Darfur-Darfur Dialogue and Consultation is also affected by the narrow political space in Darfur, owing generally to the difficulties facing the Darfur Peace Agreement. Nevertheless, the Preparatory Committee for the Darfur-Darfur Dialogue and Consultation, inaugurated in November 2006, has made significant progress in setting up the structure and preparatory work of the process. Consultations still continue regarding the nomination of the Chairperson of the Dialogue and Consultation.

IV. Security situation

21. Ceasefire violations continued even after the signing of the Darfur Peace Agreement. Those violations had a devastating impact on the civilian population, increased displacement and reduced humanitarian access. The 19 February 2007 report of the joint African Union-United Nations quick review of the situation on the ground in Darfur stated that the security situation in Darfur had remained unstable since the June 2006 joint African Union-United Nations technical assessment mission to the Sudan/Darfur and Chad. While the situation has improved slightly in some areas, it has deteriorated significantly in others. This deterioration is attributable largely to the delay in the implementation of the Darfur Peace Agreement, the fragmentation of the parties and the fight for control and supremacy in their respective areas of influence.

22. The period from July 2006 to January 2007 has witnessed increased insecurity and the militarization of some camps for internally displaced persons and a sharp reduction in humanitarian access. Targeted attacks on non-governmental organizations and AMIS personnel and property have continued on a larger scale, and cases of abduction of AMIS personnel, carjacking and banditry along major supply routes have also increased.

23. In Northern Darfur, major fighting between Darfur Peace Agreement signatories and non-signatories, including aerial bombardment of villages, have led to civilian casualties and overall insecurity. In December 2006 and January 2007 Government forces repeatedly bombarded the planned locations of the SLA reunification conference north of El Fasher, thwarting the efforts of SLA commanders to consolidate their groups. Furthermore, the use of the Janjaweed against areas under rebel control has continued, with severe consequences for the civilian population. From 11 January to early April 2007 there was a lull in the direct engagement of the Sudanese Armed Forces in Northern Darfur. However, the presence of proxy militias and the Government's inability to contain them continued to create insecurity.

24. The quick-review report also noted an increase in inter- and intra-tribal fighting in Southern Darfur, in the Kass region south of Jebel Marra. In February 2007 alone, violent clashes between the Rizeigat and Tarjem tribes led to 250 fatalities in Southern Darfur. The quick review also identified cross-border attacks and the presence of Chadian rebels in Western Darfur and that of Sudanese rebels in eastern Chad as the main reasons for the acute deterioration of the security situation in the border area and the deterioration of bilateral relations between the two countries. Although various initiatives continue to seek a solution to the Chad-Sudan situation, insecurity continues to endanger the lives of civilians on both sides of the common border.

25. Attacks on AMIS and insecurity continued in March and April. Three AMIS soldiers were killed in an attack on 5 March 2007 at an SLA-Minawi checkpoint in Gereida. On 31 March 2007 in Northern Darfur, a helicopter transporting a senior AMIS delegation, including the AMIS Deputy Force Commander, received fire in the general area of Kurni, which is an SLM/Wahid-controlled area. Five AMIS peacekeepers were killed in an attack by SLM-Minawi forces on 1 April 2007 while guarding the water point in Umm Barru, Northern Darfur. Three of the assailants were killed in the attack and their weapons were recovered. On 10 April another

member of AMIS died of injuries sustained in an attack in Sartony, and on 14 April 2007, near AMIS headquarters, another AMIS officer, on his way home after work, was killed by unknown armed elements. Meanwhile, an AMIS officer who was abducted on 10 December 2006 is still missing.

26. The lull observed between January and early April was broken by resumed Sudanese Armed Forces bombing raids in Northern Darfur. On 19, 21 and 23 April, the Sudanese Armed Forces conducted aerial bombings in Jira, Umm Rai, Anka and Hashasba. On 19 and 21 April, according to the Chairman of the Ceasefire Commission, the Sudanese Armed Forces aerial bombings in Jira and Umm Rai villages prevented another SLA reunification conference from taking place, despite the consent given by the Government of the Sudan and the arrangements made by international partners to attend.

27. In Southern Darfur, intense inter-Arab tribal clashes between the Tarjem (Aballa) and the Rizeigat (Baggara) took place on 31 March and 1 April in the Bulbul Abu Zazur area, killing some 60 persons and injuring 21 others, mostly Tarjem. In Western Darfur, similar clashes on 13 and 14 April between Gimir militias and Dorok communities led to 56 casualties, the burning of 17 villages and the displacement of 500 to 700 families. Following the attack, Gimir militias took control of the land of the burned villages. On 26 April some 300 armed men attacked internally displaced persons in Argo and Dabanera camps near Tawilla, Northern Darfur, committing acts of looting, physical assault and kidnapping.

28. So far in 2007, nearly 130,000 people have been displaced because of insecurity in Darfur. At the same time, numerous humanitarian organizations reported unusual access constraints due to insecurity. Moreover, hostilities on both sides of the Chad border caused the temporary influx of 12,000 Chadian refugees into Western Darfur in February 2007.

V. Implementation of the Addis Ababa conclusions and Abuja decisions

29. In the light of the difficulties in the implementation of the Darfur Peace Agreement and in view of the continuing insecurity in Darfur, a number of steps have been taken to carry out the November 2006 Addis Ababa and Abuja decisions.

1. Re-energizing the political process

30. The Addis Ababa conclusions identified a number of general principles to guide the re-energizing of the Darfur political process, including the need to resolve the Darfur conflict through an all-inclusive political solution and to uphold the Darfur Peace Agreement as the basis for that process, and that the mediation should be under African Union and United Nations leadership. They also underlined that the African Union remains the lead actor in the process of implementing the Agreement.

31. The Addis Ababa conclusions further expressed a number of concerns regarding the implementation of the Darfur Peace Agreement. Firstly, the conclusions noted that the Agreement is not sufficiently inclusive and that this has led to insecurity, a deterioration of the humanitarian situation and limited humanitarian access. Secondly, the Agreement has not been sufficiently

disseminated in Darfur and is thus opposed by many Darfurians. In addition, the high-level consultation identified other concerns, including the proliferation of peace initiatives, the fragmentation of the non-signatories, the regional dimension of the conflict, which has complicated the search for a solution, and the slow pace of implementation of the Agreement.

32. The Addis Ababa conclusions therefore recommended that the various peace initiatives be brought under a unified umbrella, jointly led by the African Union and the United Nations. To that end, the Chairperson of the African Union Commission and the Secretary-General appointed Salim Ahmed Salim and Jan Eliasson, respectively, as their Special Envoys for Darfur, to focus on re-energizing the political process, to make the Darfur Peace Agreement more inclusive and to broaden support for the Agreement.

33. The Special Envoys have conducted three joint missions to the Sudan/Darfur, during which they consulted with high-level Government officials, including President Al-Bashir, First Vice-President Salva Kiir, Vice-President Ali Osman Taha and Senior Assistant to the President Minni Minawi, as well as other stakeholders, representatives of the rebel groups, civil society, opposition political parties, tribal leaders and internally displaced persons. A preliminary outcome of those initial consultations was that all the parties consulted, including the Government of the Sudan, agreed that there could not be a military solution to the crisis in Darfur and that a political solution was the only way forward to a lasting peace. In this regard, both the Government of the Sudan and the other parties broadly accepted the fact that the Darfur Peace Agreement could not be considered a "take it or leave it" document. At the same time it was also understood that the Agreement would not be renegotiated in its entirety. All parties therefore welcomed initiative led by the African Union and the United Nations to broaden the support base of the Agreement and to ensure that it is owned by all the people of Darfur. Within that framework, those consulted agreed to cooperate with the efforts of the Special Envoys. There are, however, areas of divergence, as some leaders of the non-signatory movements refuse to accept the Agreement as a basis for renewed negotiations.

34. The Special Envoys have also started consultations with regional actors, including Eritrea, Chad, the Libyan Arab Jamahiriya and Egypt, to ensure that the broader regional dimensions are fully reflected in their efforts and to harmonize the various peace initiatives currently under way. Meanwhile, AMIS and UNMIS have established a Joint Mediation Support Team based in Khartoum and El Fasher in order to assist the two Envoys in their efforts. As agreed during the high-level meeting convened by the Libyan Arab Jamahiriya on 28 April 2007 in Tripoli on the political process in Darfur, the Special Envoys are developing a road map for the peace process meant to address the outstanding concerns of the people of Darfur.

2. Establishing a strengthened ceasefire

35. Ceasefire violations continued after the signing of the Darfur Peace Agreement, and signatories and non-signatories alike have acted with impunity. The gravity of this situation for the civilian population underscores the urgent need for a strengthened ceasefire in Darfur. The Addis Ababa conclusions stated that there can be no effective ceasefire mechanism or peacekeeping operation without a peace firmly grounded on an all-inclusive political process. Indeed, mainly because the

Agreement was not signed by all parties, its ceasefire mechanisms failed to function effectively.

36. The Darfur Peace Agreement signatories, particularly the Government of the Sudan, did not agree to the participation of the non-signatories in the work of the Joint Commission and the Ceasefire Commission established by the Agreement. The Government of the Sudan also evoked security reasons for not allowing the non-signatories to be part of the mechanisms, as it believed they would be collecting information to be used against Government military positions. The Government also contends that the N'Djamena Agreement never provided for such representation. For their part, the non-signatories objected to being part of the mechanisms of an Agreement they are not party to, insisting that the proceedings of the Ceasefire and Joint Commissions must be based on the N'Djamena Humanitarian Ceasefire Agreement in order for them to participate.

37. In the light of these challenges, at its third session, held on 12 November 2006 in Addis Ababa, the Joint Commission approved the establishment of a dual-chamber Ceasefire Commission. The first chamber is for the signatories of the Darfur Peace Agreement and the Declaration of Commitment, and the second chamber is for the non-signatories. Although the second chamber was established at the El Fasher level, it failed to function effectively due to procedural issues raised by the non-signatories, particularly the Justice and Equality Movement, which continue to insist that proceedings of the chamber be based on the N'Djamena Humanitarian Ceasefire Agreement. They also stated that, unless their representatives are deployed throughout the sectors and are represented in the Joint Commission, they will continue to boycott the second chamber. Meanwhile, the Government of the Sudan continues to oppose the deployment of non-signatory party representatives to all the sectors, citing security concerns. To date, no consensus has been reached on this matter. It is likely that the Ceasefire Commission will continue to be largely ineffective until all the stakeholders, especially those that are violating the ceasefire in Darfur, agree to sit and work together in a one-chamber Ceasefire Commission to facilitate credible investigations and appropriate sanctions against those who are found guilty of violations.

38. Other problems plaguing the effective functioning of Darfur Peace Agreement ceasefire mechanisms include the increasing fragmentation of the parties and the high cost of providing a large number of representatives with allowances. The unpredictable funding of AMIS, which has resulted in backlogs of unpaid mission subsistence allowance, not only to military observers and the protection force, but also to the party representatives on the Ceasefire Commission, has further compounded the problem.

39. At its fifth session, held on 7 February 2007 in El Fasher, the Joint Commission advised the African Union to take appropriate steps to address these challenges. The Joint Commission also called on the parties, particularly the Government of the Sudan, to address their differences and allow the full functioning of the second chamber. In order to address these problems, AMIS considered a number of options in consultation with the international partners, including the United Nations, and decided to reduce the scale of party representation and amount of mission subsistence allowance paid to party representatives at the Ceasefire Commission level, and review the status and privileges of party representatives to the Ceasefire Commission. As the present report was being finalized, efforts were

under way in Khartoum, involving the African Union, the United Nations and representatives of international partners, with the objective of regularizing the situation in a manner that would be acceptable to the affected parties, the African Union, the United Nations and the partners.

3. The way forward for peacekeeping

40. The Addis Ababa conclusions also emphasized the need for an effective peacekeeping operation, which will contribute to the restoration of security and protection of civilians in Darfur and also ensure full humanitarian access. This would contribute to creating the confidence and environment that are required for the effective conduct of the peace process. The high-level consultation decided that peacekeeping in Darfur needs to be enhanced and made effective. To achieve this requirement, a three-phased approach was adopted and agreed upon by the African Union, the United Nations, and the Government of the Sudan. The approach consists of a United Nations light support package to AMIS, a United Nations heavy support package to AMIS and the establishment of a hybrid operation in Darfur. In order to ensure transparency and facilitate the implementation of these plans, a tripartite mechanism involving the United Nations, the African Union and the Government of the Sudan was established in November 2006 in Khartoum and El Fasher.

(a) Status of the light support package

41. As a first step towards the three-phased approach to peacekeeping in Darfur, elements of the light support package for AMIS were jointly agreed upon by the two organizations and subsequently endorsed by the Government of the Sudan through President Al-Bashir's letter of 23 December 2006 to the Secretary-General. The package is designed to assist AMIS in the establishment of an integrated command and control structure and to increase the effectiveness and coordination of its operations. The light support package comprises equipment and personnel fully dedicated to supporting AMIS in the following four areas: logistical and material support, military staff support, advisory support for civilian police and civilian support in the areas of mine action, humanitarian liaison, public information, mission support and support for the implementation of the Darfur Peace Agreement.

42. In order to ensure accountability for the United Nations equipment and personnel deployed in support of AMIS, the African Union and the United Nations signed a memorandum of understanding; as at 8 May 2007, the tripartite mechanism has facilitated the United Nations deployment of 42 military, 32 police and 25 civilian personnel to support AMIS in the Sudan/Darfur. With the exception of medical and public-information equipment and 36 armoured personnel carriers, other logistical and material support contained in the package was handed over on 11 January 2007.

43. The deployment of an additional 36 military, 1 police and 9 civilian personnel who have been identified and recruited is on hold, pending progress in the construction of office facilities and living accommodations that are compliant with United Nations safety and security standards in Darfur. There is also an outstanding requirement for contributions of 27 staff officers and 36 armoured personnel carriers from United Nations Member States. The major challenge to the full implementation of the light support package, however, remains the lack of security in the face of inadequate infrastructure in Darfur and AMIS camps.

(b) Status of the heavy support package

44. The heavy support package, as agreed upon by the African Union and the United Nations, is composed of military, police and mission support personnel and equipment, as well as civilian staff to provide support in a range of areas, including civil affairs, humanitarian liaison, public information, mine action and support for the Darfur political process. The package includes 2,250 military personnel to be deployed in the areas of transport, engineering, signals and logistics, surveillance, aviation and medical services; 301 police personnel and three formed police units; and 1,136 civilian personnel, including 74 substantive and 78 support staff dedicated to supporting AMIS, as well as 984 mission support staff to support the military and police deployment. On 24 April 2007 the United Nations Controller notified the appropriate body of the General Assembly that \$68 million in current UNMIS resources would be used to meet the immediate requirements for the implementation of the heavy support package.

45. Details of this package were communicated to the Government of the Sudan by the Secretary-General and the Chairperson of the African Union Commission in identical letters addressed to President Al-Bashir on 24 January 2007. In his response, dated 6 March 2007, President Al-Bashir accepted some aspects of the package and expressed reservations with regard to others, in particular as they relate to the Darfur Peace Agreement, and proposed that further discussions take place to address them. As agreed at the summit meeting on Darfur on 28 March 2007 in Riyadh, a meeting of experts from the African Union, the United Nations and the Government of the Sudan took place on 9 April in Addis Ababa to discuss the Sudan's reservations about the African Union-United Nations heavy support package for AMIS. Following those consultations, the Sudanese Government formally confirmed its agreement with the jointly developed African Union-United Nations proposal for the heavy support package on 16 April 2007, through a letter addressed to the Secretary-General by the Permanent Representative of the Sudan to the United Nations.

46. In order to ensure the effective implementation of the heavy support package and in the light of the envisaged deployment of the hybrid operation, a reconfiguration of certain substantive capacities of the heavy support package as presented in the Secretary-General's report on Darfur of 23 February 2007 (S/2007/104) will be undertaken. The Security Council will be kept informed of those actions.

47. The expeditious implementation of the heavy support package, in close cooperation with the African Union, requires urgent contributions of capable troops and police by Member States, the agreement of the Government of the Sudan on land and water drilling in Darfur, the deployment of two additional AMIS battalions with requisite equipment and the restructuring of AMIS, which now has eight sectors, into three sectors. It also requires the immediate support of international partners for the expansion of seven AMIS camps to accommodate the deployment of the two additional AMIS battalions, the three sector headquarters and, temporarily, heavy support package engineering elements.

(c) Status of planning for the hybrid operation

48. While the light and heavy support packages are designed to deliver critical capabilities that will enhance the mobility and effectiveness of AMIS, the issues of

adequate and predictable funding, as well as the long-term logistical sustainability of the African Union Mission, remain unaddressed. Based in part on these concerns, the Addis Ababa conclusions recommended that an African Union-United Nations hybrid operation be deployed in Darfur and that the United Nations provide funding for it.

49. A number of basic principles regarding the hybrid operation were agreed upon between the United Nations and the African Union during consultations on the margins of the African Union summit in January 2007 on the basis of the Addis Ababa and Abuja agreements of November 2006. The African Union and the United Nations subsequently agreed upon the terms of reference for the Joint Special Representative, as well as a framework containing the African Union-United Nations agreed principles for taking forward the preparations for the hybrid operation, which were communicated to President Al-Bashir in identical letters sent by the Secretary-General and Chairperson Konaré on 6 March 2007.

50. At the meeting of the African Union Peace and Security Council on 30 November 2006, it was also decided that "the size of the [hybrid] force shall be determined by the African Union and the United Nations, taking into account all relevant factors and the situation on the ground, as well as the requirements for it to effectively discharge its mandate". Accordingly, the African Union and the United Nations conducted a joint quick-review mission in Darfur from 8 to 19 February 2007. In view of the emerging security trends described above, the quick-review mission assessed that the force requirement for the hybrid operation would be 19,000 to 20,000 troops, as well as 3,772 police officers and 19 formed police units.

51. Subsequently, from 19 to 26 March 2007 in Addis Ababa, African Union and United Nations multidisciplinary teams conducted joint planning for the African Union-United Nations hybrid operation in Darfur. The teams included experts in the areas of political affairs, civil affairs, humanitarian affairs, human rights, refugee returns and reintegration, military and police planning, security, disarmament, demobilization and reintegration and mission support. Section VI below reflects the outcome of that planning exercise.

VI. African Union-United Nations hybrid operation

52. Taking forward the decisions included in the Addis Ababa and Abuja agreements requires that the hybrid operation implement all aspects of the Darfur Peace Agreement and all subsequent supplementary agreements that assign tasks to the African Union and the United Nations.

A. Mandate

53. The hybrid operation will require a mandate approved by the African Union Peace and Security Council and the United Nations Security Council. As concluded at the 16 November 2006 high-level consultation in Addis Ababa, and decided by the Peace and Security Council communiqué of 30 November 2006 and the statement by the President of the Security Council of 19 December 2006 (S/PRST/2006/55), the hybrid operation should focus on the protection of civilians, the facilitation of full humanitarian access and the return of refugees and internally

displaced persons to their homes. It should also contribute to the restoration of security in Darfur, inter alia, through the implementation of the Darfur Peace Agreement.

54. The African Union-United Nations agreed framework on the hybrid operation envisaged that elements of its mandate would be drawn from the Darfur Peace Agreement, the current AMIS mandate, the Secretary-General's report of 28 July 2006 on Darfur (S/2006/591) and relevant communiqués of the African Union Peace and Security Council and resolutions of the United Nations Security Council. It will also be informed by the security situation in Darfur. On the basis of these considerations, the proposed mandate of the hybrid operation in Darfur should be as follows:

(a) To contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur;

(b) To contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan;

(c) To monitor, observe compliance with and verify the implementation of various ceasefire agreements signed since 2004, as well as assist with the implementation of the Darfur Peace Agreement and any subsequent agreements;

(d) To assist the political process in order to ensure that it is inclusive, and to support the African Union-United Nations joint mediation in its efforts to broaden and deepen commitment to the peace process;

(e) To contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees to their homes;

(f) To contribute to the promotion of respect for and protection of human rights and fundamental freedoms in Darfur;

(g) To assist in the promotion of the rule of law in Darfur, including through support for strengthening an independent judiciary and the prison system, and assistance in the development and consolidation of the national legal framework;

(h) To monitor and report on the security situation at the Sudan's borders with Chad and the Central African Republic.

55. In order to achieve these broad goals, the operation's tasks would include the following:

(a) Support for the peace process and good offices:

(i) To support the good offices of the African Union-United Nations Joint Special Representative for Darfur and the mediation efforts of the Special Envoys of the African Union and the United Nations;

(ii) To support and monitor the implementation of the Darfur Peace Agreement and subsequent agreements;

(iii) To participate in and support the major bodies established by the Darfur Peace Agreement and any subsequent agreements in the implementation of their mandate, including through the provision of technical assistance and logistical support to those bodies;

(iv) To facilitate the preparation and conduct of the Darfur-Darfur Dialogue and Consultation;

(v) To assist in the preparations for the conduct of the referendums provided for in the Darfur Peace Agreement;

(vi) To ensure the complementary implementation of all peace agreements in the Sudan, particularly with regard to the national provisions of those agreements, and compliance with the Interim National Constitution;

(vii) To liaise with UNMIS and other international actors to ensure complementary implementation of the mandates of UNMIS and the African Union-United Nations hybrid operation in Darfur;

(b) Security

(i) To promote the re-establishment of confidence, deter violence and assist in monitoring and verifying the implementation of the redeployment and disengagement provisions of the Darfur Peace Agreement, including by actively providing security and robust patrolling of redeployment and buffer zones, by monitoring the withdrawal of long-range weapons, and by deploying hybrid police, including formed police units, in areas where internally displaced persons are concentrated, in the demilitarized and buffer zones, along key routes of migration and in other vital areas;

(ii) To monitor, investigate, report and assist the parties in resolving violations of the Darfur Peace Agreement and subsequent complementary agreements through the Ceasefire Commission and the Joint Commission;

(iii) To monitor, verify and promote efforts to disarm the Janjaweed and other militias;

(iv) To coordinate non-combat logistical support for the movements;

(v) To assist in the establishment of the disarmament, demobilization and reintegration programme called for in the Darfur Peace Agreement;

(vi) To contribute to the creation of the necessary security conditions for the provision of humanitarian assistance and to facilitate the voluntary and sustainable return of refugees and internally displaced persons to their homes;

(vii) In the areas of deployment of its forces and within its capabilities, to protect the hybrid operation's personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations-African Union personnel, humanitarian workers and Assessment and Evaluation Commission personnel, to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups and, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under imminent threat of physical violence and prevent attacks and threats against civilians;

- (viii) To monitor through proactive patrolling the parties' policing activities in camps for internally displaced persons, demilitarized and buffer zones and areas of control;
- (ix) To support, in coordination with the parties, as outlined in the Darfur Peace Agreement, the establishment and training of community police in camps for internally displaced persons, to support capacity-building of the Government of the Sudan police in Darfur, in accordance with international standards of human rights and accountability, and to support the institutional development of the police of the movements;
- (x) To support the efforts of the Government of the Sudan and of the police of the movements to maintain public order and build the capacity of Sudanese law enforcement in this regard through specialized training and joint operations;
- (xi) To provide technical mine-action advice and coordination and demining capacity to support the Darfur Peace Agreement;
- (c) Rule of law, governance, and human rights:
 - (i) To assist in the implementation of the provisions of the Darfur Peace Agreement and any subsequent agreements relating to human rights and the rule of law and to contribute to the creation of an environment conducive to respect for human rights and the rule of law, in which all are ensured effective protection;
 - (ii) To assist all stakeholders and local government authorities, in particular in their efforts to transfer resources in an equitable manner from the federal Government to the Darfur states, and to implement reconstruction plans and existing and subsequent agreements on land use and compensation issues;
 - (iii) To support the parties to the Darfur Peace Agreement in restructuring and building the capacity of the police service in Darfur, including through monitoring, training, mentoring, co-location and joint patrols;
 - (iv) To assist in promoting the rule of law, including through institution-building, and strengthening local capacities to combat impunity;
 - (v) To ensure an adequate human rights and gender presence capacity, and expertise in Darfur in order to contribute to efforts to protect and promote human rights in Darfur, with particular attention to vulnerable groups;
 - (vi) To assist in harnessing the capacity of women to participate in the peace process, including through political representation, economic empowerment and protection from gender-based violence;
 - (vii) To support the implementation of provisions included in the Darfur Peace Agreement and any subsequent agreements relating to upholding the rights of children;
- (d) Humanitarian assistance: to facilitate the effective provision of humanitarian assistance and full access to people in need.

B. Structure

56. As stated in the communiqué of the African Union Peace and Security Council of 30 November, the hybrid operation will be headed by a Joint African Union-United Nations Special Representative for Darfur. On 8 May 2007, the Secretary-General and the Chairperson of the African Union Commission jointly appointed Rodolphe Adada as Joint Special Representative of the African Union and the United Nations for Darfur. In that capacity, he will have overall authority over the peacekeeping mission in Darfur, oversee the implementation of its mandate and be responsible for the mission's management and functioning. As subsequently agreed between the African Union and the United Nations, the Deputy Joint Special Representative will also be appointed by both organizations. Based in El Fasher, Darfur, they will report to the Chairperson of the African Union Commission and the Secretary-General through the African Union Commissioner for Peace and Security and the United Nations Under Secretary-General for Peacekeeping Operations, respectively.

57. The Force Commander, who, in accordance with the Abuja communiqué, will be African, and the Police Commissioner of the operation will be appointed by the African Union in consultation with the United Nations, and will both report to the Joint Special Representative. The Force Commander and Police Commissioner will be assisted, respectively, by a Deputy Force Commander and a Deputy Police Commissioner, who will also be jointly appointed. Operational directives will be implemented through an integrated headquarters structure, including a mission support division led by a United Nations director of administration. The Force Commander will exercise command and control over air support assets through the Joint Operations Centre and over mission enablers through the Joint Logistics Operations Centre and the chief, integrated support services. The overall management of the operation will be based on United Nations standards, principles and established practices.

58. All command and control structures and main offices of the operation will be located in Darfur. In order to ensure that it operates effectively, a joint support and coordination mechanism, with dedicated staff capacity, will be established in Addis Ababa.

59. While the hybrid operation will function separately from UNMIS, there will be a strong liaison component between UNMIS and the operation. This will ensure complementarity of efforts between the African Union and the United Nations with respect to the implementation of the Darfur Peace Agreement and the Comprehensive Peace Agreement, and will also facilitate logistical support by the United Nations. UNMIS will continue to be headed by a Special Representative of the Secretary-General.

60. There will also be liaison arrangements between the operation and the Special Envoys of the United Nations and the African Union for Darfur. These arrangements will be based on the Joint Mediation Support Team, which currently provides substantive and logistical support to the two Envoys.

61. The ongoing humanitarian operations in Darfur will be distinct from the operation and will continue to be coordinated by the UNMIS Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator, with the support of the Office for the Coordination of Humanitarian

Affairs, in accordance with recognized humanitarian principles and international humanitarian and human rights law. When appropriate, subsequent recovery operations will be coordinated by the Deputy Special Representative of the Secretary-General, with the support of the Resident Coordinator's office. This arrangement respects the need to maintain a distinction between humanitarian operations and the political, military and security presence in Darfur.

62. Pending the possible establishment of a United Nations multidimensional presence in eastern Chad and the north-eastern part of the Central African Republic, the hybrid operation will establish civilian-military liaison offices in both those countries for coordination with their authorities in the border region and with United Nations-African Union offices/agencies located there.

63. Further clarity and agreement on the United Nations role in command and control will be required by United Nations troop- and police-contributing countries in order for them to provide personnel for the hybrid operation. Clarity on such matters as they relate to financial administration would also be required by United Nations financial bodies in order to provide funding for the operation. Unity of United Nations command and control, which is a basic principle of peacekeeping, would be required, given the Security Council's primary responsibility for authorizing and the United Nations direct responsibility for implementing the mandate of the operation. At the same time, the implementation of all aspects of the operation's mandate would require close cooperation with national and local authorities, who bear the primary responsibility for essential aspects related to the peace process.

C. Components

1. Support for the peace process and good offices

64. The political affairs component of the operation will support the mandate of the Joint Special Representative to assist with the implementation of the Darfur Peace Agreement and any subsequent agreements and the joint African Union-United Nations efforts of the Special Envoys to make the peace inclusive and broaden the base of the Agreement. In this regard, the political affairs component will liaise with all stakeholders involved in the Darfur peace process, monitor relevant developments of the peace process and perform early warning and conflict analysis functions. It will also prepare reports of the Secretary-General and the Chairperson of the African Union Commission to the Security Council and to the African Union Peace and Security Council.

65. The component will provide political guidance to all other components and will be responsible for ensuring that reconciliation initiatives are coordinated with security, recovery and development efforts in Darfur. It will also ensure a complementary implementation of all peace agreements in the Sudan and will pursue, in particular, an approach consistent with the national provisions of the Comprehensive Peace Agreement.

2. Civil affairs

66. The civil affairs component will assist in the implementation of the Darfur Peace Agreement and any subsequent agreements through support to reconciliation

processes, including at the grass-roots level, the conduct of the Darfur-Darfur Dialogue and Consultation and the functioning of the institutions established under the Darfur Peace Agreement, including the Transitional Darfur Regional Authority, the Land Commission and the Civil Service Commission. The component will also assist in the capacity-building of national institutions and civil society organizations in Darfur.

67. The component's activities in Darfur will include the holding of workshops on various governance and peacebuilding aspects, with the aim of promoting a culture of peace and establishing contacts with key stakeholders to support dialogue and reconciliation among conflicting parties.

68. Given the complex conflict dynamics and the necessity for grass-roots engagement in the peace process, civil affairs officers will be deployed throughout Darfur. To achieve this goal, civil affairs officers currently serving in Darfur under the UNMIS mandate would be absorbed in the operation along with the civil affairs staff provided for in the light support package and heavy support package for AMIS.

3. Security — military

69. The primary purposes of the military component of the operation will be to assist in establishing a stable and secure environment in Darfur, monitor and verify ceasefire violations, protect civilians at risk and support the implementation of the Darfur Peace Agreement and any subsequent complementary agreements. Initially, the focus of these security operations will be on contributing to the protection of civilians and the provision of security for vulnerable populations.

70. While protecting civilians, the military component of the operation will also implement specific security provisions assigned to the African Union and the United Nations under the Darfur Peace Agreement and subsequent agreements. The operation will build on the efforts of AMIS to verify and ensure the effective separation of forces by robust patrolling of redeployment and buffer zones and the withdrawal of long-range weapons. It will also monitor, investigate, report and resolve violations of the Darfur Peace Agreement through the Ceasefire Commission and the Joint Commission; monitor the border between the Sudan, Chad and the Central African Republic; and support the disarmament, demobilization and reintegration process. In the light of the security situation, the scale and complexity of such tasks will require a force larger than that provided by the current strength of AMIS, including robust command, control and communications systems. The harsh terrain and lack of road infrastructure, in particular during the rainy season, will require a force equipped with high mobility ground vehicles and a strong air component. As indicated above, this was confirmed by the quick review mission on 19 February 2007.

71. The operation's military force must be capable and ready to deter violence, including in a pre-emptive manner. The force would possess surveillance capabilities, an assessment capability to steer operations and the air and response forces necessary to address threats to security. Reserves will also be needed to deal with any sudden deterioration in the security situation. In addition to infantry battalions, a force reserve company and one infantry company per sector as sector reserve will provide the Force Commander and sector commanders with adequate capabilities to respond to threats or security incidents.

72. The operation will also face unprecedented logistical challenges in deploying and supporting a large force and in mitigating its environmental impact. Under the Darfur Peace Agreement, the operation will also be required to coordinate non-combat logistics support to the movements. A significant number of enablers would therefore be required, in addition to those provided in the heavy support package, to facilitate early deployment. Additional military logistics elements will enhance support in the early stages, provided that Member States are prepared to assist with various capacities, such as strategic lift capacity, in addition to what is provided for in the heavy support package.

73. Based on these requirements, a joint military concept of operations is being finalized by the African Union and the United Nations, designed to perform three core complementary functions: protection, liaison, and monitoring and verification. The military component of the operation will be deployed throughout Darfur and organized into three sectors: North, South and West.

74. While all force elements have a role to play in protection, the core of the protection element will be a framework of mobile infantry battalions. Priorities will be to provide security to internally displaced persons camps, area and route security, demilitarization and patrolling of humanitarian supply routes and nomadic migration routes and, where necessary, escort for humanitarian convoys, as per established guidelines. The force will also need to protect United Nations and African Union personnel, installations and property, including logistics locations and supplies in transit. Another priority is to gradually extend wider area security to create conditions conducive to a return to normal community life.

75. Company-level operations on the ground will be fundamental to the achievement of early stabilization. Infantry companies will conduct proactive patrol programmes, using both high mobility vehicle patrols for greater area coverage and foot patrols around towns and villages to reassure the local population. Armoured personnel carriers will be required to protect troops in high-threat areas. Elsewhere, robust patrolling techniques without armour will be used to restore confidence. As confirmed by the quick review mission, patrolling at night will be especially important, using basic night patrolling skills, and using specialized night observation equipment. While, given the vast size of Darfur, even a large force could not have a presence in all parts of the territory, airmobile patrols by military aviation could deliver infantry quickly to more remote areas in order to improve security.

76. The military liaison capability of the military component of the operation will consist of dedicated liaison officers who will maintain close liaison with the national and local authorities, other parties, tribal leaders and local communities. A strong liaison capability will be required for close working relations with the police and other components of the operation. Liaison with the humanitarian assistance community will also be important in order to ensure synergy.

77. In addition to protection and liaison, the military component will continue the efforts of AMIS in monitoring and verifying the implementation of the security provisions of the Darfur Peace Agreement and any subsequent agreements. All force elements will have a role to play in this regard, but the core of this capability will be provided by military observers, ground surveillance companies in each sector and air surveillance. These elements will monitor and verify compliance with the Darfur Peace Agreement and track the activities of armed militias and other armed groups.

Surveillance companies and military observers will monitor and submit reports on the dynamic security situation in order to, *inter alia*, alert commanders to potential threats, thereby directing the patrolling activities of infantry battalions.

78. As indicated above, the African Union-United Nations quick review mission confirmed that the magnitude of the protection task and the need to ensure compliance with the Darfur Peace Agreement will require a large, mobile and robust military force. The key operational requirements have been defined as high troop density to provide wide area coverage; high mobility to move forces rapidly in response to developing crises; and robust military capability to deter violence, including in a pre-emptive manner. Based on the assessment of the quick review mission, two options for the size and composition of the military component were developed, as described in paragraphs 79 and 80 below. These capabilities will be in addition to the units provided in the heavy support package. Both options depend on the successful implementation of the light support package and the heavy support package as well as the early and effective restructuring of AMIS into three sectors. These options differ in the level of mobility and troop density of the force.

79. The first option, based on the 19 February 2007 African Union-United Nations review of the June 2006 technical assessment mission's "troops-to-task" assessment, calls for 19,555 troops, consisting of: 18 infantry battalions; three infantry reserve companies; three surveillance companies and a force reserve company; three fixed-wing operational surveillance aircraft; six to eight helicopters for tactical use; 18 military utility helicopters; up to 120 liaison officers; and 240 military observers. Each of the three sectors will comprise five to seven infantry battalions, one surveillance company and one reserve infantry company. This force represents an optimal balance of key operational capabilities that would credibly contribute to a secure environment.

80. The second option will consist of 17,605 troops, that is, only 15 infantry battalions. This option would have one infantry battalion less per sector, but an additional rapid reaction company per sector in order to compensate for the reduction in the infantry level through rapid response by air. This second force configuration option, however, would not envisage the deployment of 12 companies to the 12 locations that were identified by the quick review mission as requiring a continuous troop presence. The absence of these 12 companies would reduce the capacity to provide a secure environment in these locations and therefore carries a higher risk with regard to the protection of civilians and African Union/United Nations personnel operating in areas with lower or no troop presence. This option, therefore, critically depends on the day/night rapid reaction capabilities and the early full deployment of all air assets. It also renders the force more vulnerable to the constraints of weather on operations. Additional infantry battalions are inevitably required if rapid reaction and air assets cannot be generated.

4. Security — police

81. The implementation of the Darfur Peace Agreement and any subsequent agreements will require the police component to engage the national and local authorities and carry out, *inter alia*, the following core functions: establish and train community police in internally displaced persons' camps; capacity-building of the Government of the Sudan police in Darfur in accordance with international standards of human rights and accountability; institutional development of the

police of the movements; conduct proactive patrols to monitor the policing activities of the parties in internally displaced persons' camps, demilitarized and buffer zones and areas of control; address issues relating to gender-based violence and abuse of children; report on the welfare of detained persons; monitor and verify security in internally displaced persons' camps and for investigations conducted by the Government police; and advise on the development of policing plans and monitor their implementation. The representation of the operation's police on the Darfur Security Arrangements Implementation Commission and subsidiary bodies is essential to carrying out these tasks. Police involvement would contribute to the effectiveness of the Commission and support the long-term integration of former combatants.

82. Taking into consideration the provisions of the Darfur Peace Agreement in the area of policing, the police component of the operation would expand upon the primarily advisory/observer posture of the AMIS civilian police towards active support for the efforts of local and national authorities to establish long-term rule of law through mentoring, advising, training, and reform and institutional development of the Sudanese law enforcement agencies. The reform of law enforcement agencies would go a long way in facilitating the building of trust and confidence in police institutions throughout Darfur, particularly in areas controlled by the movements. The operation would be more effective in supporting the reform of Sudanese police services in Darfur if it is provided with specific authorization in this regard through its mandate. Developing the capacity and capability of law enforcement authorities is also resource-intensive and the financial requirements relating to police activities will need to be included in the budget of the planned operation.

83. Formed police units will be an integral element of the police component. They will assist in providing protection for civilians and personnel and property of the operation, in collaboration with the military component of the operation. Moreover, they will be required to conduct independent and joint patrols with the police and military of the operation, the Government of the Sudan police, the police liaison officers of the movements and the community police within and in the immediate vicinity of the internally displaced persons' camps in the demilitarized and buffer zones. Formed police units will be available to support the Government of the Sudan and police of the movements in responding to public order situations that may arise and to build the capacity of the Sudanese law enforcement agencies through specialized training and joint operations.

84. According to the quick review mission, in order to perform the above tasks and contribute to the restoration of security and protection of civilians in Darfur, the police component of the operation will require 3,772 police officers and 19 formed police units. The AMIS civilian police and United Nations police provided for in the light and heavy support packages for AMIS will form the core of this component.

5. Security — disarmament, demobilization and reintegration

85. The disarmament, demobilization and reintegration component of the operation will support national and local institutions in implementing the disarmament, demobilization and reintegration programme called for in the Darfur Peace Agreement. To that end, the component will provide: technical assistance for operational planning and implementation of the disarmament and demobilization

processes; field assessments and surveys to profile the forces; supporting information and sensitization strategies for all stakeholders; and capacity-building.

86. Pursuant to the Darfur Peace Agreement, support to the disarmament, demobilization and reintegration process in Darfur will include monitoring the assembly of combatants, securing disarmament and demobilization sites, undertaking the disarmament of the movements, weapons storage and weapon and ammunition destruction, assisting in the registration of the disarmed combatants, assisting with the demobilization activities, provisioning and distributing reinsertion packages and supporting the sustainable reintegration of the former combatants into civilian life. The removal of children associated with the armed forces or groups and militia will be given priority and will not await a formal disarmament, demobilization and reintegration process for adult combatants.

87. It is the responsibility of the Government to provide adequate funding and non-military logistics to support the assembly of former combatants. At the request of the Joint Commission, the African Union will solicit support from international donors and organizations for non-military logistical supplies, communication equipment and funding for such supplies for the forces of the movements. Member States are urged to support all efforts in this important endeavour. In addition to the disarmament programme conducted under the framework of the Darfur Peace Agreement, the disarmament, demobilization and reintegration component will support the development and implementation of a civilian disarmament programme to counter the proliferation of weapons in the region.

6. Protection and promotion of human rights

88. The human rights component of the operation will assist the parties in the implementation of relevant provisions of the Darfur Peace Agreement and any subsequent agreements. This will involve a wide range of protection and promotion activities, which will be carried out in keeping with international human rights law and other relevant international standards and in close cooperation and coordination with the parties, while complementing and building on the work carried out by the United Nations country team.

89. In addition to the mainstreaming of human rights within the operation, the human rights component will carry out a wide range of monitoring, investigation, reporting, advocacy, protection, advisory and capacity- and institution-building activities, including support for the establishment of a national human rights commission, in keeping with the Paris Principles and as noted in the Darfur Peace Agreement. The component will also engage with the authorities, other parties to the Agreement and relevant United Nations and non-governmental organizations, with a view to identifying options for appropriate actions to stop, prevent and/or pre-empt violations of human rights and fundamental freedoms.

90. The monitoring of the human rights situation in the demilitarized zones, areas of displacement and return, including during the process of return, focusing particularly on vulnerable groups, will be a core activity of the human rights component. In addition, the human rights component will monitor the work of law and order institutions and traditional dispute settlement mechanisms, for which full and unhindered access will be essential. In conjunction with other components, the human rights component will also assist national stakeholders in the capacity-building and development of a transitional justice strategy.

7. Rule of law

91. AMIS does not have a rule of law, judicial systems and prisons advisory component. This activity is essential to the multidimensional peacekeeping strategy envisaged for the operation. The rule of law, judicial and prisons advisory component of the operation will assist all stakeholders in promoting the rule of law, including through support to the strengthening of an independent judiciary and professional corrections system and combating impunity, working in close cooperation with the United Nations country team, the United Nations Development Programme (UNDP), other United Nations agencies, funds and programmes and non-governmental organizations. The rule of law component will also assist in addressing property and land disputes and compensation related to the Darfur Peace Agreement and any subsequent agreements.

92. Based on a complementary approach, rule of law activities will focus on engaging the national authorities and supporting efforts to reform the judicial system through appropriate vetting measures, juvenile and gender justice and overall legal reform, including strengthening customary law to ensure compliance with international standards. Ongoing programmes and comparative advantages of other United Nations actors will be fully acknowledged in all efforts to ensure the effective and efficient functioning of the courts, the police and the prosecutorial authorities, with a view to ending the climate of impunity. This will also involve assistance to local and national authorities in the establishment of mobile courts, the expansion of access to justice and legal aid and the strengthening of traditional forms of justice, in keeping with national laws and international human rights standards, and should include the empowerment of the legal profession and civil society. A particular focus on efforts to effectively address property and land disputes and compensation issues related to the Darfur Peace Agreement will be essential and, in the longer-term, may include law reform in those areas.

93. Efforts will be made, in consultation with the Government of the Sudan, to provide additional capacity, strengthen, restructure and reform, as necessary, the prison system in Darfur, in accordance with international standards. This will require that corrections officers be seconded from Member States under the same conditions as United Nations police seconded staff. As appropriate, efforts will be undertaken to provide advisory services for strengthening the prison system and addressing prison reform issues in Darfur, including training prison staff, monitoring their performance in promoting a human rights approach to prison management, and mentoring senior and middle-level prison management.

8. Humanitarian liaison

94. The humanitarian liaison component will maintain liaison between the operation and the humanitarian community on all relevant issues, including, but not limited to, the provision of humanitarian assistance, the protection of civilians and the return of refugees and internally displaced persons. In addition, the component will support the work of the Joint Humanitarian Facilitation and Monitoring Unit. As a liaison component, it will establish and maintain dialogue and coordination between the military and police components and the humanitarian community, ensuring the mutual exchange of information about ongoing humanitarian and military activities and issues and respective mandates, deployments and operations.

and will advocate for humanitarian issues with the other components of the operation.

9. Child protection

95. The child protection component will assist in the implementation of the provisions of the Darfur Peace Agreement and any subsequent agreements related to monitoring the recruitment and use of children by armed forces and investigating other crimes against children, including abduction and sexual violence. In cooperation with other actors, the component will provide capacity-building to military observers and national monitors to carry out investigations of ceasefire violations related to children in armed conflict and ensure that ceasefire institutions can effectively address such violations. The child protection component will also be able to participate in those investigations and it will support, in cooperation with other actors, the police component of the operation with the resources and capacity needed to monitor violations of the rights of children in cooperation.

10. Gender

96. The gender component will develop and implement plans to guide the process of gender mainstreaming in all aspects of the work of the operation. The Component will provide leadership and guidance on gender mainstreaming, provide training on gender issues and facilitate the organization of meetings, workshops and seminars aimed at raising awareness and understanding of gender issues within the operation.

97. The component will also develop a gender action plan, in collaboration with existing mechanisms, which will focus on prevention of and response measures to any involvement of personnel of the operation in sexual or gender-based violence. The component will also work in cooperation with other actors to ensure the participation of women in all decision-making structures established by the Darfur Peace Agreement, including the Transitional Darfur Regional Authority, the Land Commission, the Rehabilitation and Resettlement Commission and the Darfur-Darfur Dialogue and Consultation.

11. HIV/AIDS support

98. While cooperating and coordinating closely with other specialized units of the United Nations country team, including the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Population Fund (UNFPA) and the World Health Organization (WHO), the HIV/AIDS component will focus on the development of HIV/AIDS sensitization and awareness programmes and a comprehensive HIV/AIDS prevention programme for operation personnel. Programmatic HIV activities will continue to be the responsibility of the United Nations country team.

99. In collaboration with the wider United Nations system and relevant local authorities, the HIV/AIDS component will provide technical support, within the limits of its capacity, to the Transitional Darfur Regional Authority in order to ensure that HIV/AIDS prevention is addressed. Technical assistance will also be provided to integrate HIV/AIDS considerations in disarmament, demobilization and reintegration activities and to support HIV/AIDS awareness and prevention strategies in the training and capacity-building programmes of community police in internally displaced persons' camps.

12. Mine action

100. The current landmine threat in Darfur is estimated to be low, however explosive remnants of war are prevalent and the potential for targeted new mine use exists. The presence of landmines and explosive remnants of war on routes will affect the mobility of the operation's personnel and the provision of humanitarian assistance. The presence and the possible new use of such devices will not only affect the implementation of peacekeeping operations, but also the local population and returnees, jeopardizing the overall peace process. Addressing this problem will require specialized risk education, in consultation with the Government of the Sudan and the other parties, in addition to area and route survey and clearance capacity.

13. Public information

101. The public information component of the operation will implement a proactive, comprehensive public information strategy designed to explain and promote its mandate and activities to all stakeholders. This will include specific information campaigns on different aspects of the operation's work, aimed at audiences across the operational area, aiming to promote the objective understanding of the Darfur Peace Agreement and other peace initiatives in Darfur. The public information component of the operation will have its headquarters in El Fasher, with information officers and resources deployed throughout the three Darfur states. It will comprise the following main components: a spokesperson's office and media relations component; an extensive outreach and advocacy programme; a radio production and broadcasting operation designed to provide coverage throughout the entire area of Darfur; a print and production component; a website for the hybrid operation; a television/video operation; and a photographic operation. The public information component will include military and police public information officers. It will work closely in the development and implementation of information campaigns with the civil affairs component of the operation, the United Nations country team and other agencies, funds and programmes. The Government of the Sudan will be expected to provide all necessary access to this important component, including access to airwaves.

14. Safety and security

102. Given the unstable security environment in the Darfur states, a Darfur staff security cooperation mechanism will be established to ensure cooperation among organizations with security capacities in order to promote a safe and secure environment for mandate implementation and programme delivery activities. The mechanism will also assist with the application of the modalities of the United Nations security management system within the operation, as well as other United Nations organizations present in Darfur.

15. Conduct

103. The Personnel Conduct component of the operation will assist the Joint Special Representative in developing and implementing strategies and mechanisms to identify, prevent, investigate and respond to all forms of misconduct, including sexual abuse and exploitation. The component will increase awareness of operation personnel of acceptable standards of conduct through various campaigns and training programmes and will increase their general awareness of the importance of

preventing abuses and ensuring adherence to the code of conduct by all United Nations staff. The component will prepare databases of complaints, establish mechanisms to register complaints of such abuses and, if necessary, investigate such incidents.

16. Mission support

104. The establishment of a multidimensional operation in the Darfur region of the Sudan will face formidable logistics challenges. Darfur is a remote and arid region, with harsh environmental conditions, poor communications, underdeveloped, poor infrastructure and extremely long land transport and supply lines from Port Sudan. The scarcity of water presents a particularly difficult challenge, which must be addressed at both the political and logistics level, between all parties.

105. Successful operations will require significant efforts to upgrade and develop the infrastructure of the region in the predeployment phase of the operation. The efficient clearance of assets by customs is also critical to the operation, ensuring that essential items can be deployed and positioned in a staged manner. Existing runways will be expanded and improved in order to handle larger cargo aircraft. Simultaneously, housing, equipment and facilities for personnel sent in advance of the operation will need to be constructed and upgraded to meet United Nations standards.

106. In its start-up phase, the operation will rely heavily on military enabling units, including heavy transport lift units, engineering units and aviation units. Troops and formed police units must be self-sustaining upon deployment, with the exception of field defence stores, which will be supplied by the United Nations. The Force structure will incorporate the second-line logistics capabilities required to support it after deployment. Troop-contributing countries and police-contributing countries should ensure that their equipment can operate under the local conditions, taking into account the high temperatures and the ubiquitous heavy dust and sand.

107. An integrated operation headquarters will be established in El Fasher, with three joint sector headquarters in El Fasher, Nyala and El Geneina. The deployment of personnel will take into account environmental constraints, including the availability of water. The main logistics base will be established in Nyala. It is envisaged that the majority of the operation's staff will be accommodated in camps developed on greenfield sites in accordance with United Nations safety and security standards.

108. The United Nations will begin pre-positioning strategic deployment stocks immediately following the authorization of the operation in the Security Council. Following the usual priority for deployment, the positioning of strategic deployment stocks is followed by the emplacement of crucial engineering equipment so that the construction of new camps and the expansion of existing campsites can commence. Construction priority will be given to the headquarters and logistics base locations.

109. Strategic sea and airlift will be required for the deployment of such equipment into the Sudan, supported, as necessary, by short-term contracts for deployment inside the country. Where practicable, UNMIS air assets will also be used to assist in the deployment of the operation.

110. Successful logistics support of the operation will require substantial financial investment in human and material resources to establish necessary facilities and

services. In addition, the Darfur Peace Agreement calls for both community police centres/police posts and logistics support for the establishment of assembly sites for the disarmament, demobilization and reintegration programme, in consultation with the parties. The extent of logistical support by the operation at the assembly areas remains to be defined and will have corresponding financial and logistics implications.

111. A joint African Union-United Nations operations and logistics task force will be established early in the predeployment phase of the operation to determine the details of joint operations and logistics work, with particular reference to the possibility of obtaining economies of scale with existing UNMIS and AMIS facilities and arrangements.

112. Most importantly, the full cooperation of Government authorities will be required in areas such as timely access to land and water, the provision of suitable premises and the timely clearance of goods from customs. In addition, full support will be needed to overcome any administrative constraints and facilitate operations, including full freedom of movement and access. The UNMIS/AMIS experience has shown, on repeated occasions, that inordinate delays in the clearance of goods and related administrative processes through the respective Government ministries can have a crippling effect on operations.

D. Force and personnel generation

113. Consistent with the Addis Ababa conclusions and the communiqué of the African Union Peace and Security Council of 30 November 2006, all efforts will be made to ensure that the peacekeeping force will have a predominantly African character. To that end, suitable offers from African troop- and police-contributing countries will be considered first. However, at the extent that African troop- and police-contributing countries are unable to meet the Force requirements, offers from other contributing countries will be considered. The final choice of troop- and police-contributing countries will be jointly agreed upon by the African Union and the United Nations after due consultation with the Government of the Sudan. The police and force generation process will follow General Assembly rules and regulations.

114. Civilian personnel for the operation will be hired under United Nations contracts in accordance with established United Nations selection and recruitment guidelines, standards and procedures. For unity of effort and efficiency, all United Nations and African Union personnel deployed to the operation will be administered in accordance with United Nations rules, regulations, policies, directives and administrative instructions, as well as standard operating procedures, including, but not limited to, those relating to performance, conduct and discipline.

E. Resource requirements and funding sources

115. Based on the Addis Ababa conclusions, as endorsed by the African Union Peace and Security Council at its 66th meeting in Abuja in November 2006, it is assumed that States Members of the United Nations will be prepared to consider a recommendation from the Secretary-General to provide funding for the operation in Darfur through the United Nations assessed budget governed by the United Nations

Financial Rules and Regulations. To that end, effective financial management and oversight mechanisms will be put in place. Should the Security Council decide to establish the operation as envisaged in the present report, the Secretary-General will submit to the General Assembly the necessary recommendations in this regard without delay.

116. For the start-up of the operation to be managed successfully, the African Union must resolve the issue of the ownership of the equipment donated by the partners for use in Darfur; the United Nations will provide technical and professional assistance in support of these efforts where required. The African Union will have to ensure that mechanisms remain in place to deal with all liabilities incurred prior to the start-up date of the operation. In addition, both the United Nations and the African Union will ensure that political and legal safeguards are firmly in place for the handover of land titles and rights of use for the operation.

VII. Risks and challenges, including regional considerations

117. The continuation and sustainability of AMIS operations is critical for the implementation of the three-phased peacekeeping plan agreed by the African Union and the United Nations. The unpredictable nature of AMIS funding is therefore a great risk to the operation as it could lead to a premature withdrawal of AMIS. It could also lead to gaps and delays in the implementation between the different phases of the plan and could undermine the effectiveness of United Nations support to AMIS. The plan for deploying the African Union-United Nations hybrid operation is based on the assumption that the light and heavy packages of United Nations support to AMIS, as defined by both organizations, are implemented successfully and the capacity of AMIS is significantly strengthened.

118. Progress on the peacekeeping front requires the firm commitment of all parties, including the Government of the Sudan, to the Addis Ababa framework, which recognizes effective peacekeeping as an integral part of the solution to the conflict in Darfur. Without effective peacekeeping, the humanitarian and security situation will continue to deteriorate and instability in Darfur could spread to the entire region.

119. Since the peace process still faces many challenges, the deployment of the operation in the absence of an all-inclusive political agreement on a broadened Darfur Peace Agreement is a significant risk. Despite the public commitment of the Government of the Sudan and most non-signatory groups to negotiate amendments to the Agreement, some non-signatory groups are still posing preconditions to their participation in the political process and questioning the acceptability of the African Union mediation team. Furthermore, the Justice and Equality Movement and the National Redemption Front reject the Agreement as a basis for negotiations.

120. Another key challenge remains the fragmentation of the non-signatory groups. The reunification of their leadership or, at the very least, the harmonization of their position in anticipation of the political talks on the Darfur Peace Agreement is necessary not for the successful outcome of the efforts of the African Union-United Nations joint mediation, but also for the attainment of a sustainable and self-enforced ceasefire. Efforts currently being made by AMIS leadership to strengthen the ceasefire mechanisms are conditioned on the meaningful and constructive participation of all parties.

121. In addition to the fragmentation of the non-signatory groups, new fault lines have emerged in the conflict, making it more complex. The scale of recent inter- and intra-tribal fighting reinforce the need for an all inclusive and comprehensive process.

122. The regional dimension of the conflict in Darfur, in particular as it relates to the border crisis between the Sudan and Chad, is such that Darfur cannot be treated in isolation from Chad. Normalization of the bilateral relationship between Chad and the Sudan is not only essential to the success of the peace process in Darfur, but also for the internal stability of Chad. Both countries should be strongly encouraged to respect each other's territorial sovereignty and to implement existing agreements of non-aggression. Key regional actors should be encouraged to use their influence over some rebel groups to support a peaceful resolution of the conflict.

123. Progress on the peacekeeping front also faces serious operational challenges. The vastness of Darfur is such that even a large force will not be in a position to have an effective presence everywhere. The ongoing fighting and fragmentation of territorial control restrict freedom of movement in Darfur. Moreover, Darfur is an arid, landlocked region, over 1,000 miles away from any body of water. These geographical conditions, combined with the lack of infrastructure, pose tremendous logistical challenges to the timely deployment of a significant peacekeeping presence in Darfur.

VIII. Observations and recommendations

124. The present report is the outcome of joint consultations conducted in Addis Ababa in March 2007 by African Union-United Nations multidisciplinary teams and the high-level consultations between the two organizations led by myself and the Chairperson of the African Union Commission on 16 and 17 April 2007 in New York. It represents the determination of the United Nations and the African Union to carry through on the Addis Ababa conclusions and subsequent decisions, which are based on the assumptions that the prospect of an effective peacekeeping operation will contribute to the creation of confidence among the parties and guarantee a safe environment for a meaningful political process. The Addis Ababa conclusions define a comprehensive approach to peace in Darfur, based on the interdependence of the three tracks, including the political process, the ceasefire and the peacekeeping plan. Alleviating the ongoing humanitarian suffering in Darfur requires progress on these three fronts in the context of a comprehensive international strategy, which would also address rehabilitation and economic development.

125. A peacekeeping operation cannot assist in restoring security in Darfur in the absence of an inclusive political process. At the same time, a political solution will be unsustainable if the parties do not have confidence that a strong, impartial, proactive peacekeeping force is being deployed to support and monitor its implementation. While the conflict in Darfur has devastating security implications and humanitarian consequences, it is essentially a political problem, which can only be resolved through a political solution. The United Nations and the African Union therefore appeal to the parties to immediately cease the pursuit of a military solution and commit to honouring their ceasefire commitments, including the N'djamena Humanitarian Ceasefire Agreement. As international efforts are mobilizing in

support for a political solution, the Government of the Sudan continues to bear the responsibility to protect the population and give all citizens a share in the future of the country.

126. The United Nations and the African Union also urge members of the Security Council and regional stakeholders to lend their strong support to the joint mediation efforts of Salim Ahmed Salim and Jan Eliasson, which aim to advance an inclusive political process and help address the grievances left outstanding when the Darfur Peace Agreement was signed, including an effective end to the political and economic marginalization of Darfur. A sustained political process supported by a strong peacekeeping operation in Darfur would assist with the region's integration in the Sudan by supporting reconciliation, political representation, participation in public administration and increased economic opportunity for the people of Darfur. The United Nations and the African Union are confident that a political process pursued in earnest would also help the Government of the Sudan build trust with the international community. As agreed upon during the high-level meeting in Tripoli on 28 April 2007, the United Nations and the African Union Special Envoys for Darfur are developing a detailed road map, including the status of implementation of the Darfur Peace Agreement, possible changes to the Agreement and an architecture for mediation.

127. The operation will be an unprecedented undertaking, which will pose significant challenges for both organizations. It will succeed only if unity and coherence of command is not compromised. It also requires the consent and full cooperation of the Government of the Sudan and all parties. The operation's success depends critically on whether the Government of the Sudan will come to see the United Nations and the hybrid operation as part of the solution to the conflict in Darfur. It would be essential, therefore, for the mandate of the operation to reflect the agreement of the parties on its role in monitoring and supporting the implementation of the Darfur Peace Agreement and any subsequent agreements. The Security Council has ultimate responsibility in this regard.

128. The implementation of the operation also requires, as an immediate priority, the reinforcement of AMIS through the generation and deployment of the heavy support package. The United Nations and the African Union pay tribute to AMIS and its staff on the ground for their courageous service in carrying out the Mission's critical mandate under difficult circumstances. They also urge Member States to make urgent contributions to United Nations support for an enlarged and strengthened AMIS and to assist in finding a viable and sustained solution to the financial crisis of the Mission in the context of the expected deployment of the hybrid operation.

129. As we proceed with these plans, no effort should be spared to urgently improve the humanitarian situation in Darfur. The United Nations and the African Union acknowledge the signing by the Government of the Sudan of the joint communiqué with the United Nations of 28 March 2007. Its immediate implementation will ease the administrative burden on humanitarian operations and facilitate their work to alleviate the plight of the people in Darfur.

**General Assembly
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General Assembly
Tenth emergency special session
Agenda item 5**Illegal Israeli actions in Occupied East Jerusalem
and the rest of the Occupied Palestinian Territory****Security Council**
Sixty-second year**Identical letters dated 24 May 2007 from the Permanent
Observer of Palestine to the United Nations addressed to the
Secretary-General and the President of the Security Council**

Israel, the occupying Power, continues its campaign of systematic human rights violations against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. This has included escalation of its unlawful arbitrary detention and imprisonment of Palestinian civilians, including women and children and numerous Palestinian officials. Arrests and round-ups of Palestinian civilians are carried out by the occupying Power on a daily basis, with the number of Palestinians imprisoned or detained in Israeli jails totalling more than 11,000 people.

Today, the Israeli occupying forces launched a wide arrest campaign throughout the Occupied Palestinian Territory, arresting more than thirty Palestinian officials, including a Cabinet Minister, members of the Palestinian Legislative Council and several mayors, and arresting dozens of other civilians, particularly in the Nablus, Qalqilya, Al-Khalil and Bethlehem areas. The Israeli occupying forces raided cities and nearby villages in these areas and carried out forceful searches of dozens of homes during this arrest campaign. Among those Palestinian officials detained today by the occupying Power are Nasser Eddin Al-Sha'er, Minister for Education, Adly Ya'eesh, Mayor of Nablus, Wajeeh Qawwas, Mayor of Qalqilya, Arab Al-Shorafa, Mayor of Beita, Ramadan Shatat, Mayor of Bedia, Jamal Abu Al-Jadayel, Mayor of Sammoa', Khaled Al-Tarda, Mayor of Taffouh, Ahmed Asafrah, Mayor of Beit Kahel, and Abdel Rahman Zeidan, Hamed Al-Bitawi and Dahoud Abu Ser, members of the Palestinian Legislative Council.

These arrests, in addition to the arbitrary detention and arrest of thousands of other Palestinian civilians by Israel, the occupying Power, are unlawful and also constitute acts of incitement and provocation. Moreover, the renewed arrest campaign against Palestinian officials, following the arrest last year of dozens of other officials, most of whom continue to be imprisoned, is an act by the occupying Power clearly intended to further undermine democratic Palestinian governmental



institutions at both the national and municipal levels and to further weaken and destabilize the Palestinian Authority's national unity government. In this regard, it seems undeniable that such arrests also aim at fuelling tensions and undermining the efforts being exerted by the Palestinian leadership, with the assistance of the Government of Egypt, to achieve calm among Palestinian factions as well as to reinstate the reciprocal ceasefire in Gaza and call for its extension to the West Bank, which Israel continues to regrettably and intransigently reject.

In addition, the occupying Power continues to carry out other military assaults and operations against the Palestinian civilian population in the Occupied Palestinian Territory, including missile air strikes against areas in the Gaza Strip, killing and injuring more Palestinian civilians and destroying more property in recent days. One young Palestinian man, Sa'eed Al-Attar, aged 28, was killed by direct Israeli fire to the chest today in the northern Gaza town of Beit Lahya. Also today, a Palestinian woman, Amal Dawlat, aged 42, died of critical wounds she sustained a few days ago during an Israeli attack in Gaza City; and a man, Abdelraouf Al-Ijla, aged 63, died yesterday of wounds sustained while sitting outside near his home when an Israeli helicopter gunship launched an attack on 20 May in Gaza City.

We reiterate our calls for the immediate cessation of all illegal Israeli practices in the Occupied Palestinian Territory, including cessation of military attacks and all other human rights violations against the Palestinian people. In this regard, we call today once again for the occupying Power's release of all the Palestinian prisoners being unlawfully imprisoned and arbitrarily detained, including all Palestinian officials. These are requisite steps for ending the cycle of violence and stemming the deterioration of the situation, allowing instead for calm between the two sides and encouragement of hope and advancement of the peace efforts critically needed at this time.

Accordingly, we reiterate our call upon the international community to exert efforts to compel Israel, the occupying Power, to cease its unlawful actions against the Palestinian people, including its unlawful actions and threats against the Palestinian leadership, such as attacks against and the imprisonment of Palestinian officials and the destruction of Palestinian institutions. The international community must demand that Israel comply with international law and should consider serious measures to ensure compliance by the occupying Power; otherwise, this crisis will continue its dangerous downward spiral.

The present letter is in follow-up to our previous 282 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 21 May 2007 (A/ES-10/385-S/2007/298), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

In follow-up to the above-mentioned letters, it is my profound regret to inform you that since 21 May 2007 at least three more Palestinian civilians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since

September 2000 to 4,538. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I should be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Riyad **Mansour**
Ambassador
Permanent Observer

**Annex to the identical letters dated 24 May 2007 from the
Permanent Observer of Palestine to the United Nations addressed
to the Secretary-General and the President of the Security Council**

**Names of martyrs killed by the Israeli occupying forces in the
Occupied Palestinian Territory, including East Jerusalem^a
(Wednesday, 23 May 2007, and Thursday, 24 May 2007)**

Wednesday, 23 May 2007

Abdelraouf Al-Ijla (died of wounds sustained on 20 May 2007)

Thursday, 24 May 2007

1. Sa'eed Al-Attar
2. Amal Dawlat (died of wounds sustained on 21 May 2007)

^a The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 4,538.



**General Assembly
Security Council**

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General Assembly
Sixty-first session
Agenda items 13 and 14

Security Council
Sixty-second year

The situation in the Middle East
Question of Palestine

**Letter dated 24 May 2007 from the Permanent Representative of
Pakistan to the United Nations addressed to the Secretary-General**

In my capacity as Chairman of the Organization of the Islamic Conference Group at the United Nations in New York, I have the honour to transmit herewith a communiqué issued by the Group on 24 May 2007 concerning the serious developments in the occupied Palestinian territory (see annex).

I should be grateful if the present letter and its annex were to be urgently distributed as a document of the sixty-first session of the General Assembly, under agenda items 13 and 14, and of the Security Council.

(Signed) Munir Akram
Ambassador
Permanent Representative



Annex to the letter dated 24 May 2007 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

Communiqué on the situation in the Occupied Palestinian Territory, including East Jerusalem

The Organization of the Islamic Conference (OIC) Group expresses its grave concern at the deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem, and condemns in specific the recent aggression by Israel, the occupying Power, against the Palestinian civilian population. Intense military attacks by the Israeli occupying forces, particularly against civilian areas throughout the Gaza Strip, have resulted in the killing and injuring of dozens of Palestinians, including children, and widespread destruction of property. This excessive and indiscriminate use of force by Israel, the occupying Power, against Palestinian civilians constitutes a grave breach of international humanitarian law and threatens to completely destabilize the already fragile and tense situation on the ground and worsen the dire humanitarian conditions in the Occupied Palestinian Territory.

The OIC Group demands the immediate cessation of these military attacks by Israel, the occupying Power, against the Palestinian people. Further, the OIC Group calls upon both sides to abide by the ceasefire in the Gaza Strip and to immediately extend it to the West Bank in order to bring an end to the cycle of violence and promote calm.

The OIC Group calls upon the Security Council, which is the organ entrusted with the maintenance of the peace and security, to assume its responsibilities to help bring an immediate cessation of this latest Israeli aggression against the Palestinian people and to consider mechanisms for the maintenance of the ceasefire. In this regard, the OIC Group urges the Security Council to seriously consider the deployment of observers to monitor respect of the ceasefire.

The OIC Group urges all concerned parties to exert the necessary efforts to work together to stop the bloodletting and destruction and the continuing deterioration of this crisis. The cessation of this grave situation is imperative for preserving the hopes for peace that have recently arisen, in particular following the renewal of the important Arab Peace Initiative, and promoting the calm and stability needed for the pursuit of a peaceful, just and final settlement to this tragic conflict.



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The situation in the Middle East

Question of Palestine

**Letter dated 24 May 2007 from the Chargé d'affaires a.i. of the
Permanent Mission of Cuba to the United Nations addressed to
the Secretary-General**

In my capacity as Acting Chair of the Coordinating Bureau of the Non-Aligned Movement, I have the honour to enclose herewith the communiqué on the situation in the Occupied Palestinian Territory, including East Jerusalem, adopted on Thursday, 24 May 2007 (see annex).

Furthermore, I kindly request that the above-mentioned document be circulated as a document of the sixty-first session of the General Assembly, under agenda items 13 and 14, and of the Security Council.

(Signed) Ileana Núñez Mordoche
Ambassador
Chargé d'affaires a.i.
Permanent Mission of Cuba to the United Nations
Acting Chair of the Coordinating Bureau of the Non-Aligned Movement



Annex to the letter dated 24 May 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Communiqué by the Coordinating Bureau of the Non-Aligned Movement on the Situation in the Occupied Palestinian Territory, including East Jerusalem.

The Non-Aligned Movement expresses its grave concern at the deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem, and condemns in specific the recent aggression by Israel, the occupying Power, against the Palestinian civilian population. Intense military attacks by the Israeli occupying forces, particularly against civilian areas throughout the Gaza Strip, have resulted in the killing and injuring of dozens of Palestinians, including children, and widespread destruction of property. This excessive and indiscriminate use of force by the occupying Power against civilians constitutes a grave breach of international humanitarian law and threatens to completely destabilize the fragile and tense situation on the ground and worsen the already dire humanitarian conditions in the Occupied Palestinian Territory.

The Non-Aligned Movement demands the immediate cessation of these military attacks by Israel, the occupying Power, against the Palestinian people. Further, the Coordinating Bureau of the Non-Aligned Movement calls upon both sides to abide by the ceasefire in the Gaza Strip, and to immediately extend it to the West Bank, in order to bring an end to the cycle of violence and promote calm.

The Non-Aligned Movement calls upon the Security Council, which is the organ entrusted with the maintenance of international peace and security, to assume its responsibilities to help bring an immediate cessation of this latest Israeli aggression against the Palestinian people and to consider mechanisms for the maintenance of the ceasefire. In this regard, the Non-Aligned Movement urges the Security Council to seriously consider the deployment of observers to monitor respect of the ceasefire.

The Non-Aligned Movement urges all concerned parties to exert the necessary efforts to work together to stop the bloodletting and destruction and the continuing deterioration of this crisis. The cessation of this grave situation is imperative for preserving the hopes for peace that have recently arisen, in particular following the renewal of the important Arab Peace Initiative, and promoting the calm and stability needed for the pursuit of a peaceful, just and final settlement to this tragic conflict.



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The situation in the Middle East

Security Council
Sixty-second year

**Identical letters dated 25 May 2007 from the Chargé d'affaires a.i.
of the Permanent Mission of Lebanon to the United Nations
addressed to the Secretary-General and the President of the
Security Council**

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations that took place between 15 and 21 May 2007 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(Signed) Caroline Ziade
Chargé d'affaires a.i.



Annex to the identical letters dated 25 May 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Subject: Israeli violations, acts of aggression and activities from 15 to 21 May 2007 inclusive

Air violations

On 15 May 2007, between 1019 hours and 1330 hours, an Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah and circled over the South region. It then departed Lebanese airspace over 'Alma al-Sha'b.

Between 1144 hours and 1227 hours, four Israeli warplanes violated Lebanese airspace over Rumaysh and circled over areas of the western Bekaa, the Shuf and the South. They then departed Lebanese airspace over 'Alma al-Sha'b.

On 17 May 2007, between 1720 hours and 1735 hours, an Israeli reconnaissance aircraft overflew the Sixth Brigade sector (western sector) south of the Litani at high altitude.

On 19 May 2007, between 1022 hours and 1125 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the Shab'a farmlands. It went as far as Jubb Jannin in the western Bekaa and then headed west and circled overland between the Western Bekaa and southern border and up to 10 miles over the sea. It headed north as far as Shikka, and then returned in a southerly direction. It departed Lebanese airspace over al-Naqurah.

Between 1220 hours and 1335 hours, two Israeli warplanes violated Lebanese airspace over Kafr Kila in a northerly direction as far as Tripoli. They then headed east as far as al-Qurnah al-Sawda' and circled over areas of the North, and then headed south and circled over areas of the South. They departed Lebanese airspace over 'Alma al-Sha'b.

At 2159 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah in a northerly direction as far as al-Na'imah and circled over the Na'imah and Damur areas. It headed north as far as Juniyah and then returned in a southerly direction and circled over areas of the South. It departed Lebanese airspace on 20 May 2007 at 0055 hours over al-Naqurah.

At 1630 hours on 20 May 2007, Israeli military aircraft overflew the Bint Jubayl area at high altitude.

On 20 May 2007, between 1620 hours and 1640 hours, two enemy Israeli warplanes violated Lebanese airspace over the sea off Tripoli and then headed in a southerly direction. They departed Lebanese airspace over Bint Jubayl.

On 21 May 2007, 23 enemy Israeli reconnaissance aircraft violated Lebanese airspace and circled over the areas of Shikka, al-Arz, Batrun, Tayy al-Jawz, al-Harmal, Baalbek, Iqlim al-Kharub, Sidon and Tyre. They all departed Lebanese airspace over al-Naqurah with the exception of four aircraft over Rumaysh and two over 'Alma al-Sha'b. Their activity was as follows:

At 0525 hours, four planes overflew Juniyah and two overflew Batrun. At 0650 hours, two planes overflew the sea off Shikka. At 0815 hours, five planes overflew the sea off Batrun. At 0943 hours, two planes overflew the sea off Tyre. At 1234 hours, four planes overflew Kafr Kila. At 2030 hours, two planes overflew the sea off Sidon. At 2350 hours, two planes overflew the sea off Tyre.

Sea violations

None reported.

Acts of aggression in the field

On 16 May 2007, at 0500 hours, the Israeli enemy abducted a Lebanese civilian, Hisham Dalli, from inside Lebanese territory one kilometre from the Radar position (in the occupied Shab'a farmlands). He was detained and interrogated, and then handed over to Lebanese authorities through UNIFIL on 17 May 2007 at 0759 hours.

On 17 May 2007, at 1850 hours, an enemy Israeli patrol in the Misgav Am settlement took three photographs of the Lebanese Army observation post in al-'Adaysah. It departed thereafter in the direction of said settlement.

On 19 May 2007, at 1845 hours, an Israeli patrol stopped opposite the Tall al-Ghabayin position west of al-Dahayrah and proceeded to photograph Lebanese Army position personnel.



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**General Assembly
Sixty-first session**

Agenda item 83

**Maintenance of international security —
good-neighbourliness, stability and development in
South-Eastern Europe**

**Security Council
Sixty-second year**

**Letter dated 25 May 2007 from the Permanent Representative of
Serbia to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith a letter dated 25 May 2007 from Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia, addressed to you (see annex). Enclosed with the letter is a document entitled "Initiative of the Republic of Serbia to Commence a New Stage of Negotiations on the Status of Kosovo and Metohija" (see enclosure).

In forwarding the said documents, I would appreciate it if you would bring them to the attention of the Security Council and have them circulated as a document of the General Assembly, under agenda item 83, and of the Security Council.

(Signed) Pavle Jevremović



Annex to the letter dated 25 May 2007 from the Permanent Representative of Serbia to the United Nations addressed to the Secretary-General

The Republic of Serbia remains fully committed to finding a peaceful, lasting and comprehensive solution to the future status of Kosovo and Metohija, rooted in the fundamental principles and norms of international law. In the interest of advancing this long-held commitment, I have the pleasure to submit to you the Republic of Serbia's Initiative to Commence a New Stage of Negotiations on the Status of Kosovo and Metohija (see enclosure). I kindly request that the text of the initiative be circulated as a document of the General Assembly and, of the Security Council.

I further request that, taking the initiative into account, you propose an appropriate procedure for the conduct of this new stage of status negotiations, bearing in mind the importance of finding a mutually agreed upon solution to the status of Kosovo and Metohija for the long-term stability and prosperity of the Republic of Serbia and all the Western Balkans.

(Signed) Vuk **Jeremić**
Minister for Foreign Affairs

Enclosure

Initiative of the Republic of Serbia to Commence a New Stage of Negotiations on the Status of Kosovo and Metohija

Proceeding from the generally accepted fact that the negotiations on the future status of Kosovo and Metohija, conducted between 21 February 2006 and 10 March 2007, did not result in an agreed-upon proposed solution,

Taking into account the content of the Comprehensive Status Settlement Proposal for Kosovo, submitted to the United Nations Secretary-General by his Special Envoy for the future status process for Kosovo and Metohija, Mr. Martti Ahtisaari, as well as the fact that the Comprehensive Proposal for Kosovo and Metohija Status Settlement is totally unacceptable to the Republic of Serbia, as can be seen through the clearly articulated position of the Republic of Serbia and the large number of proposed amendments to the Comprehensive Proposal submitted by the negotiating team of the Republic of Serbia,

Bearing in mind, moreover, the substantive objections of the Republic of Serbia on the manner in which the negotiations were conducted, itself an important reason for their failure,

Drawing the attention of all Member States of the United Nations and international public opinion to the clearly intended outcome of the Comprehensive Proposal, namely the violation of the Charter of the United Nations and relevant Security Council resolutions (1160 (1998), 1199 (1998), 1203 (1998), adopted in 1998, and 1239 (1999) and 1244 (1999), both adopted in 1999), by proposing the granting of independence to a province that is an integral part of the Republic of Serbia, a democratic, internationally recognized State and a Member of the United Nations,

Calling on all international actors to contribute to a peaceful, lasting, sustainable and comprehensive solution to the issue of Kosovo and Metohija on the basis of the principles, norms and good practices of international law, on which the present-day international order is based,

The Government of the Republic of Serbia presents an initiative to commence a new stage of negotiations between representatives of the Republic of Serbia and the Provisional Institutions of Self-Government in Kosovo and Metohija.

The main objective of this new stage of negotiations is to reach a compromise solution to the status of Kosovo and Metohija between interested parties. Such a solution, together with international mediation, would guarantee the long-term stability of the region and would fulfil the conditions for its unimpeded economic and social development.

In order for this goal to be achieved, it is necessary to establish a good negotiating environment, propose the appropriate procedure and allow for an appropriate time frame that does not artificially impose time limits.

In proposing this initiative, the Republic of Serbia, aware of the historic importance of a just settlement of the issue, stands ready to fully accept its share of responsibility for the successful conduct and conclusion of negotiations.